

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.11.2017

Coram

THE HON'BLE MR.JUSTICE RAJIV SHAKDHER
&
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

O.S.A.No.312 of 2017

Smt.K.Sumithra

... Appellant

Vs.

Smt.K.Vidya

... Respondent

Appeal filed under Order XXXVI Rule I of the O.S.Rules r/w Clause 15 of the Letters Patent Act, against the order dated 02.03.2017 made in A.No.113 of 2017 in C.S.No.671 of 2009.

For Appellant : Mr.E.Prabu
For Respondent : Mr.M.R.Gokulkrishnan

JUDGMENT

(Judgment of the Court was delivered by RAJIV SHAKDHER, J)

1. This is an appeal preferred against the order dated 02.03.2017, passed by the learned Single Judge in A.No.3929 of 2016 and A.No.113 of 2017. The original plaintiff in C.S.No.671 of 2009 was the applicant in the said applications, which were dealt with by the learned Single Judge via, the impugned order.

2. The learned Single Judge has allowed A.No.113 of 2017 and consequently, transferred O.S.No.2595 of 2016 to this Court. The learned Single Judge has, thus, come to the conclusion that the transfer of O.S.No.2595 of 2016 pending on the file of XII Assistant City Civil Court, Chennai, to this Court was necessary in order to adjudicate upon A.N.3929 of 2016 filed in C.S.No.671 of 2009.

3. To be noted, C.S.No.671 of 2009 was disposed of based on a compromise decree dated 26.08.2013. A.No.3929 of 2016 has been filed to seek clarification of the decree so passed.

4. The learned counsel for the appellant states that the learned Single Judge, as a matter of fact, in an earlier order dated 19.10.2016, had observed that the assertions made in A.No.3929 of 2016 could not be agitated.

5. To our minds, no interference is called with the impugned order passed by the learned Single Judge for the reason that A.No.3929 of 2016 is still pending adjudication. As to how the observation made by the learned Single Judge in the order dated 19.10.2016, would impact the final determination in A.No.3929 of 2016 cannot be anticipated at this juncture.

6. Thus, for the foregoing reasons, we see no reason to interfere with the order of the learned Single Judge. The appeal is, accordingly, dismissed. Consequently, connected pending application shall stand closed. There shall, however, be no order as to costs.

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

The Sub Assistant Registrar,
Original Side, High Court,
Madras.

+1 CC to Ms.R. Munusamy, Advocate sr 79885.

+1 Cc to Ms.K. Rajasekaran, Advocate sr 79711.

O.S.A.No.312 of 2017

NRI (CO)
SP (29/11/2017)

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