

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.10.2017

Coram

THE HON'BLE MRS. JUSTICE PUSHPA SATHYANARAYANANA

Tr.C.M.P.No.293 of 2014
and M.P.No.1 of 2014

D.Manohar ...Petitioner

Vs.

1. Smt. Navaneedham
2. Krishnan ...Respondents

PRAYER: Transfer Civil Miscellaneous Petition has been filed praying to withdraw the suit O.S.No.425 of 2005 pending on the file of the Additional District Munsif Court, Alandur and to transfer the same to the Subordinate Judge's Court, Tambaram to be tried along with O.S.No.199 of 2013.

For Petitioner : Mr.R.Balakrishnan
For Respondent 1 : No appearance
For Respondent 2 : Not ready in notice

O R D E R

This Transfer Civil Miscellaneous Petition has been filed by the petitioner to withdraw the suit O.S.No.425 of 2005 pending on the file of the Additional District Munsif Court, Alandur and transfer the same to the Sub-Court, Tambaram to be tried along with O.S.No.199 of 2013.

2. The O.S.No.199 of 2013 pending on the file of Sub-Court, Tambaram was previously filed and numbered as O.S.No.430 of 2006 on the file of Additional District Munsif Court, Alandur.

3. Originally, the suit in O.S.No.430 of 2006 was filed for the relief of permanent injunction and subsequently, the amendment petition was filed seeking a relief of declaration, mandatory injunction and for possession of the suit property in I.A.No.1901 of 2011 on the file of Additional District Munsif Court, Alandur. As the amendment increased the value of the suit property, the suit was transferred to Sub-Court, Tambaram and numbered as O.S.No.199 of 2013. Earlier, there was a suit filed by the first respondent herein in O.S.No.425 of 2005 on the file of Additional District Munsif Court, Alandur against the

petitioner herein for permanent injunction. It is stated that the properties and the parties are the same in both the suits. Hence, the Transfer Petition is filed. As the parties and the properties involved in both the suits are same, independent trial would lead to conflict of decisions. Hence, it is appropriate to transfer O.S.No.425 of 2005 pending on the file of Additional District Munsif Court, Alandur to Subordinate Court, Tambaram, to be tried along with O.S.No.199 of 2013. Both the suits were filed originally in the year 2005 and 2006 and they are more than 10 years old. Hence, the learned Subordinate Judge, Tambaram, is directed to conduct a joint trial of both the suits and dispose of the same on or before 30.04.2018.

4. With the above direction, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous Petition is closed.

sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

raja/rsi

To

1. The Additional District Munsif Court,
Alandur.
2. The Subordinate Judge's Court,
Tambaram.

+ 1 cc to Mr.R.Balakrishnan, vide sr.73114

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RR 13/11/2017

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