

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE **PUSHPA SATHYANARAYANA**

Tr.C.M.P.No.321 of 2017

and

C.M.P.No.6065 of 2017

1. M.Sankaralingam
2. S.Uma

.. Petitioners

-Vs-

1. M.Vellammal
2. Hemaprimiya

.. Respondents

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw and transfer of the suit in O.S.No.7 of 2017 pending on the file of the Subordinate Court at Thiruvallur to XVI Assistant City Civil Court, Chennai.

For petitioner ... Mr.R.Sivaraman
For respondent-1 ... Ms.N.S.Rachel Catherine
For Respondent-2 ...Not ready in notice.

ORDER

This transfer Civil Miscellaneous petition has been filed seeking transfer of O.S.No.7 of 2017 pending on the file of the Subordinate Court, Thiruvallur to the file of the XVI Assistant City Civil Court, Chennai.

2. The petitioner herein had filed O.S.No.4764 of 2016 on the file of the XVI Assistant City Civil Court, Chennai for the relief of declaration against the first respondent. The first respondent also has filed O.S.No.7 of 2017 on the file of the Subordinate Court, Thiruvallur for the same relief.

3. Heard the learned counsel for the petitioner and the learned counsel for the first respondent and perused the materials available on record.

4. Learned counsel for the first respondent herein, who is the plaintiff in O.S.No.7 of 2017 would contend that the suit includes those properties situate in Thiruvallur and the suit in O.S.No.4764 of 2016 is with respect to the property situate within the jurisdiction of City Civil Court, Chennai. There is yet another suit filed by one Srinivasa Murugan against the first petitioner and second respondent herein, which is pending on the file of this Court in C.S.No.1 of 2017 for the relief of declaration of title.

5. Both the properties are situate in Chennai and Thiruvallur. The parties are closely related to each other. In both the suits, the

decision about the status and their entitlement have to be decided. In such circumstances, it would be appropriate to club both suits, namely, O.S.Nos.4764 of 2016 pending on the file of the XVI Assistant City Civil Court, Chennai and O.S.No.7 of 2017 pending on the file of the Sub Court, Thiruvallur to be tried jointly in Chennai. Though the independent trial may not have a bearing with respect to the properties, but while considering the status and the entitlement and lot of expenditure, which may involve, it would be appropriate to transfer the subsequent suit filed in O.S.No.7 of 2017 pending on the file of the Sub Court, Thiruvallur to the file of the XVI Assistant City Civil Court, Chennai where O.S.No.4764 of 2016 and the same be tried jointly.

6. Accordingly, though the learned counsel for the first respondent had serious objections, considering the convenience of the parties, the transfer Petition is allowed. O.S.No.7 of 2017 pending on the file of the Subordinate Court, Thiruvallur shall stand withdrawn and transferred to the file of the XVI Assistant Judge, City Civil Court, Chennai to be tried along with O.S.No.4764 of 2016. No costs. Consequently, connected miscellaneous petition is closed.

25.10.2017

srn

PUSHPA SATHYANARAYANA.J

srn

To

- 1.The Subordinate Court, Thiruvallur
- 2.The XVI Assistant City Civil Court, Chennai.



Tr.C.M.P.No.321 of 2017
and
C.M.P.No.6065 of 2017

WEB COPY

25.10.2017