

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:28.11.2017
CORAM:
THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA
Tr.C.M.P.No.402 of 2017

V.Poongodi

...Petitioner

-vs-

1. Udhayakumari
2. Magesh
3. Preethi

...Respondents

Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the suit in O.S.No.3845 of 2015 from the file of XIII Assistant City Civil Court, Chennai and transfer the same to the file of the IV Additional District Judge, Thiruvallur at Ponneri to be tried along with the suit O.S.No.162 of 2015 filed by the first respondent.

For Petitioner : Mr.S.Rajendrakumar
For Respondents 1 & 2 : Mr.M.Udhaya Bhanu
For Respondent 3 : Not ready in notice

O R D E R

The Transfer Civil Miscellaneous Petition has been filed by the petitioner seeking to withdraw the suit in O.S.No.3845 of 2015 pending on the file of the XIII Assistant Judge, City Civil Court, Chennai and transfer the same to the file of the IV Additional District Judge, Thiruvallur, Ponneri, to be tried along with O.S.No.162 of 2015.

2. The petitioner had filed O.S.No.3845 of 2015 on the file of the XIII Assistant Judge, City Civil Court, Chennai for relief of mandatory injunction directing the first defendant to return the original title deeds. The respondent had also filed O.S.No.162 of 2015 on the file of the IV Additional District Judge, Thiruvallur, Ponneri for the relief of specific performance.

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

4. Admittedly, the parties and the properties are the same in both the suits. In fact, the suit as it is filed by the petitioner herein, strictly not maintainable, as the property is situate outside the jurisdiction of the Court. The transfer is

sought for to transfer the suit in O.S.No.3845 of 2015 from the file of XIII Assistant Judge, City Civil Court, Chennai to the file of the IV Additional District Judge, Thiruvallur, Ponneri to be tried along with O.S.No.162 of 2015, which is already pending there.

5. As the issues in both the suits are common and in order to avoid conflict of decisions, the Tr.C.M.P has to be allowed, by transferring the suit in O.S.No.3845 of 2015 pending on the file of the XIII Assistant City Civil Court, Chennai to the file of the IV Additional District Judge, Thiruvallur, Ponneri.

6. Learned counsel for the respondents has got no serious objection for the said transfer.

7. Accordingly, the Tr.C.M.P is allowed. O.S.No.3845 of 2015 pending on the file of the XIII Assistant City Civil Court, Chennai shall stand withdrawn and transferred to the file of the IV Additional District Judge, Thiruvallur, Ponneri to be tried along with O.S.No.162 of 2015. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

srn

To

1. The XIII Assistant Judge, City Civil Court, Chennai

2. The IV Additional District Judge, Thiruvallur, Ponneri

+1 cc to Mr.S.Rajendrakumar Advocate sr 84590

+1 cc to Mr.M.Udhaya Bhanu Advocate sr 84418

Tr.C.M.P.No.402 of 2017

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