

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2017

CORAM

THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

TR.CMP.No.568 of 2013
and
M.P.Nos.1 and 2 of 2013

S.Rangaiah Chetty

... Petitioner

Vs.

1. Arulmighu Thiruveethi
Amman Thirukoil,
represented by its Executive Officer
at Sadayappa Maistry Street,
Chennai 600 001

2. A.Shanmugasundaram

... Respondents

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C, praying to withdraw and transfer O.S.No.4436 of 2013 on the file of the XI Assistant, City Civil Court at Chennai to be tried along with O.S.No.112 of 2012 on the file of the XIV Assistant, City Civil Court at Chennai.

For Petitioner : Mr.G.Jeremiah

For Respondent-1 : Mr.V.Guhan

for Mr.S.Ramalingam for R1

For Respondent-2 : Not ready in notice.

OR D E R

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the O.S.No.4436 of 2013 on the file of the XI Assistant City Civil Court, Chennai and transfer the same to the file of the XIV Assistant, City Civil Court, Chennai to be tried along with O.S.No.112 of 2012.

2. The plaintiff in O.S.No.4436 of 2013 has filed a suit for bare injunction on the file of the XI Assistant City Civil Court, Chennai. Earlier, the first respondent-temple had filed a suit for recovery of possession in O.S.No.112 of 2012 on the file of the XIV Assistant City Court, Chennai.

3. A perusal of both the complaints shows that the property in both the suits were one and the same. It is also to be mentioned that in O.S.No.112 of 2012, the transfer petitioner is not a party. Admittedly, the property belonged to the Temple. Both the suits can be clubbed together for a joint trial for the sake of convenience. Though the temple has filed counter, the learned counsel for the first respondent conceded that he has got no serious objection for transfer of O.S.No.4436 of 2013 on the file of the XI Assistant City Civil Court, Chennai to be tried along with O.S.No.112 of 2012 on the file of the XIV Assistant City Civil Court, Chennai.

4. In view of the above, the transfer Civil Miscellaneous Petition is allowed and O.S.No.4436 of 2013 pending on the file of the XI Assistant City Civil Court, Chennai shall stand withdrawn and is transferred to the file of the XIV Assistant City Civil Court, Chennai to be tried along with O.S.No.112 of 2012. No costs. Consequently, connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

srn
To

1. The XI Assistant Judge, City Civil Court, Chennai
2. The XIV Assistant Judge, City Civil Court, Chennai.

+1 CC to Mr.S. Ramalingam, advocate sr 72989.

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and

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SP(06/11/2017)

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