

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.635 of 2016
and C.M.P.No.16974 of 2016

1.N.Bhuvaneswari
2.K.Poongodi
3.K.Vijayakumar

.. Petitioners

-Vs.-

1.Muniammal
2.K.Viswanathan
3.V.Nirmala

.. Respondents

Prayer: Transfer Civil Miscellaneous Petitions filed under Section 24 of C.P.C praying to transfer the suits in O.S.No.315 of 2007 on the file of District Court, Chengalpattu to be tried along with suit in O.S.No.971 of 2016 on the file of XVII Assistant, city Civil Court, Chennai for joint trial.

For petitioner Mr.G.Ravisankar

For R1 Mr.V.Chokalingam

For R2 & R3 Mr.R.Thanjan

O R D E R

This Tr.C.M.P has been filed seeking transfer of O.S.No.315 of 2007 pending on the file of the District Court, Chengalpattu to the file of the XVII Assistant Judge, City Civil Court, Chennai to be tried along with suit in O.S.No.971 of 2016.

2. The petitioners 1 to 3 have filed the suit for partition in O.S.No.315 of 2007 on the file of District Court, Chengalpattu. The first Respondent has also filed O.S.No.971 of 2016 on the file of XVII Assistant Judge, City Civil Court, Chennai, for the same relief of partition.

3. It is stated and admitted that the parties and the properties in both the suits are one and the same. The subject

matter in the suit properties in both the suits except A schedule in O.S.No.315 of 2007, is within the jurisdiction of the City Civil Court, Chennai. Hence, O.S.No.315 of 2007 pending before the District Court, Chengalpattu, is sought to be transferred to be tried along with the suit in O.S.No.971 of 2016 on the file of XVII Assistant Judge, City Civil Court, Chennai.

4. Learned counsel appearing for the respondents has got no serious objection for transferring the said suit.

5. It is also stated that O.S.No.315 of 2007 is ripe for trial. In O.S.No.971 of 2016, it is stated that the pleadings are complete.

6. In such circumstances, in order to avoid any conflict of decisions and considering the convenience of the parties, this Court is inclined to transfer the suit in O.S.No.315 of 2007, pending on the file of District Court, Chengalpattu to the file of XVII Assistant Judge, City Civil Court, Chennai to be tried along with suit in O.S.No.971 of 2016. The District Court, Chengalpattu shall transmit all the records in O.S.No.315 of 2007 to the file of the XVII Assistant Judge, City Civil Court, Chennai.

7. Accordingly, the Transfer Miscellaneous Petition is allowed and O.S.No.315 of 2007 pending on the file of the District Court, Chengalpattu is withdrawn and transferred to the file of the XVIII Assistant Judge, City Civil Court, Chennai, to be tried along with O.S.No.971 of 2016. The learned XVII Assistant Judge, City Civil Court, Chennai is directed to dispose of both the suits on merits, as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/true copy/

Sub Assistant Registrar

srn

To

1. The District Court, Chengalpattu.

2. The XVII Assistant Judge, City Civil Court, Chennai

1 cc to Mr.G.Ravisankar, Advocate, sr. 74858

1 cc to Mr.R.Thanjan, Advocate, Sr. 74964

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