

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27.01.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.655 of 2016

and C.M.P.No.17366 of 2016

D.Santhanam ... Petitioner/Plaintiff

-Vs.-

1. K.Narayanan
2. Rukmani
3. S.Chandra

... Respondents/Defendants

Transfer Civil Miscellaneous Petition filed under Section 24 of the of the Civil Procedure Code praying to withdraw the suit in O.S.No.4490 of 2015 pending on the file of XVII Assistant City Civil Court, Chennai and transfer the same to the XI Assistant City Civil Court, Chennai to be tried along with O.S.No.5043 of 2015 for joint trial.

For petitioner Mr. N.Palanisamy
For Respondents 1 and 2... Served-No Appearance
For Respondent 3 Mr. A.Kavimani

O R D E R

The revision petitioner has filed a suit in O.S.No.4490 of 2015 on the file of the XVII Assistant City Civil Court, Chennai against the respondents 1 and 2, who are defendants in the suit. The suit is filed for specific performance and also for permanent injunction. The impleaded third defendant (third respondent herein) has filed a suit in O.S.No.5043 of 2015 against the revision petitioner, one Balaji @ Raja and Madhusudhanan @ Madhu before the XI Assistant City Civil Court, Chennai in respect of the very same suit property. The said suit in O.S.No.5043 of 2015 was filed for declaration and permanent injunction. The suit in O.S.No.4490 of 2015 is ripe for trial, which has also commenced. As the suit property is one and the same in both the above said suits and as some parties are same, the petitioner seeks for hearing both the suits together and for joint trial.

2. The third respondent is represented by a counsel and he is present before this Court. Though the respondents 1 and 2 have been served with notice, there is no appearance for them either in person or through counsel.

3. Considering the above said facts and taking into consideration that there should not be two conflicting decisions in both the suits, this Court deems it fit that both the suits may be taken by one Court. Accordingly, the transfer C.M.P is allowed and O.S.No.4490 of 2015 pending on the file of the XVII Assistant City Civil Court, Chennai is ordered to be withdrawn and transferred to the file of XI Assistant City Civil Court, Chennai, to be tried along with O.S.No.5043 of 2015 and there shall be joint trial in both the suits. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn

To

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

+1cc to Mr.N. Palanisamy, Advocate, S.R.No.5088

rsy(CO)
md(10/02/2017)

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