

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2018

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice N.ANAND VENKATESH

O.S.A.No.122 of 2018

K.Subramaniam

.. Appellant

Vs

1.Mittalal Dhoka
2.Rikhabchand Dhoka
3.Mahavirchand Dhoka
4.Gouthamchand Dhoka
5.T.R.Pachamuthu

... Respondents

Appeal preferred under Order XXXVI Rule 1 of O.S. Rules
r/w Clause 15 of Letters Patent against the order dated
15.11.2017 in A.No.1665 of 2017 in C.S.No.889 of 2006.

For Appellant ... Mr.T.Velumani

For Respondents.. Mr.G.RM.Palaniappan

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This appeal has been preferred against the dismissal of the application filed in A.No.1665 of 2017 in C.S.No.889 of 2006, by which a prayer has been sought for to withdraw O.S.No.12057 of 2010 pending on the file of V Additional Judge, City Civil Court, Chennai and transfer the same to this Court to be tried along with C.S.No.889 of 2006.

2.Learned counsel appearing for the appellant would submit that the transaction which is the subject matter of the suit pending in O.S.No.12057 of 2010 is also the subject matter of the suit pending before this Court in C.S.No.889 of 2006. Therefore, the suit pending in O.S.No.12057 of 2010 will have to be transferred and tried along with C.S.No.889 of 2006.

3.We do not find any merit in this appeal. Admittedly, the parties are different and the reliefs sought for are also

different. The very application itself has been filed after a decade. There are no averments in the plaint filed in C.S.No.889 of 2006 as well. There is no commonality of the issues involved.

4.In such view of the mater, we do not find any error in the order passed by the learned single Judge. Accordingly, the Original Side Appeal stands dismissed. No costs.

Sd/-
Assistant Registrar(CS VII)

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Sub Assistant Registrar

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To

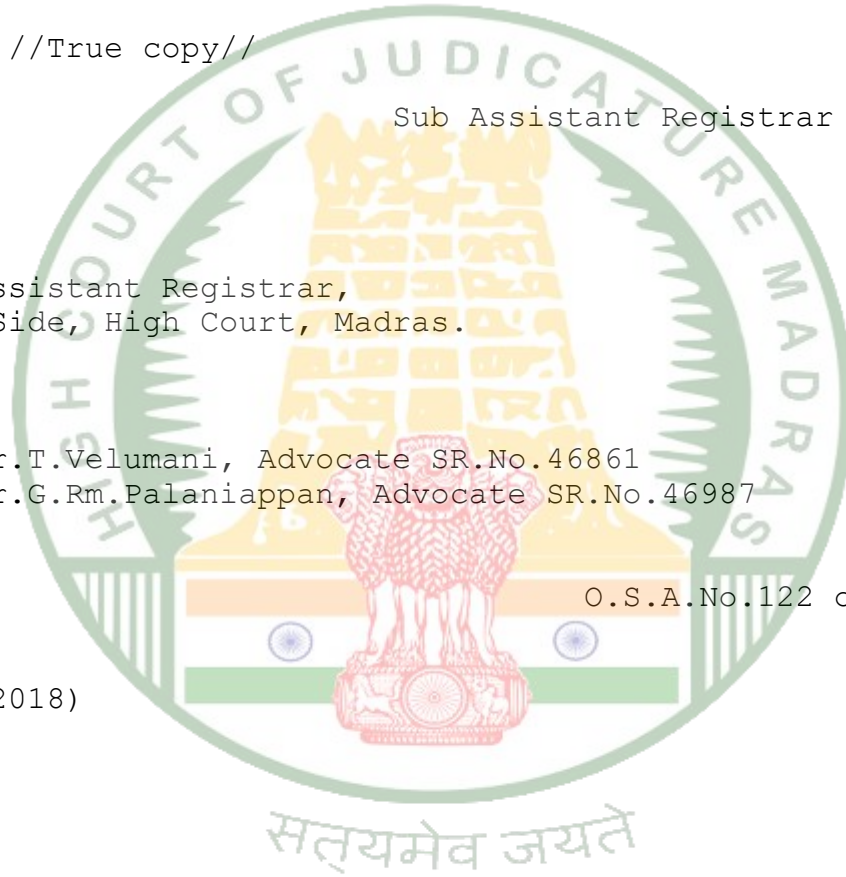
The Sub Assistant Registrar,
Original Side, High Court, Madras.

+2cc to Mr.T.Velumani, Advocate SR.No.46861

+1cc to Mr.G.Rm.Palaniappan, Advocate SR.No.46987

O.S.A.No.122 of 2018

GP(CO)
GN(31/07/2018)



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