

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 22ND DAY OF MARCH 2018

THE HON'BLE MR. JUSTICE M.SUNDAR

A.Nos.2356 and 2357 of 2018
in
C.S.No.134 of 2017

Mrs.Banni Bai,
W/o Mr.Paranthaman,
NO.17, 9th Street,
Sasthiri Nagar,
Adyar, Chennai 600 020

.. Applicant/Plaintiff
in both Applications

Vs.

1.Mr.D.Balaraman,
S/o Duraisamy,
No.39, East Coast Road
(Muttukadu Road)
Thiruvannamiyur,
Chennai 600 041

2.Tmt.Mohideen Fathima,
W/o Umar Mohideen,
No.47, Arundale Street,
Mylapore,
Chennai 600 004

.. Respondents/Defendants
in both Applications

A.No.2356 of 2018 :

Application praying that this Hon'ble Court be pleased to stay of all further proceedings in O.S.No.13613 of 1996 on the file of VII Assistant, City Civil Court, Chennai.

A.No.2357 of 2018 :

Application praying that this Hon'ble Court be pleased to withdraw O.S.No.13613 of 1996 pending on the file of VII Assistant, City Civil Court, Chennai to be tried along with C.S.No.134 of 2017.

These applications coming on this day before this court for hearing the court made the following order:

This common order shall govern both these applications. Sole plaintiff in the main suit is the lone applicant in these applications and defendant Nos.1 and 2 in the main

suit are respondent Nos.1 and 2 in these applications. Parties in these applications are referred to by their respective ranks in the main suit for the sake of convenience and clarity.

2. These two applications have been filed with prayers for stay and transfer of a suit in the City Civil Court, being O.S.No.13613 of 1996 on the file of VII Assistant City Civil Court, Chennai.

3. Mr.C.Umashankar, learned counsel for plaintiff, who is the applicant in the instant two applications, very fairly submits that the aforesaid suit filed by the first defendant herein i.e., D.Balaraman has been dismissed for default on 06.12.2017. In the light of dismissal of the aforesaid suit i.e., O.S.No.13613 of 1996 on the file of VII Assistant City Civil Court, Chennai, these applications cannot be pursued further now.

4. However, it is pointed out that the right of the plaintiff to revive this prayer has to be reserved as there is a possibility of the suit being restored, the same having been dismissed for default on 06.12.2017.

5. Rights of the plaintiff in this regard are reserved and leave is granted to the plaintiff to revive this prayer, if the aforesaid suit is restored to file in a manner known to law.

6. With the above leave and reservation right of the plaintiff, both these applications are closed.

Sd/.M.S.J.

22.03.2018

//Certified to be a true copy//

Dated this the day of 2018.

TR/09.05.2018

COURT OFFICER(OS)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.