

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.1063 of 2017
and C.M.P.No.21660 of 2017

1.V.Shankar
2.V.Raja

... Petitioners/Plaintiffs 1 & 2

Vs.

1.Mohan Kumar
2.Mrs. K.Nandhini

.... Respondents/Defendants 1 & 2

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw the suit in O.S.No.61 of 2017 pending on the file of the District Munsif Court, Tiruvottiyur and to transference the same to be tried along with O.S.No.179 of 2017 pending on the file of the IV Additional District Judge, Ponneri , Thiruvallur District.

For Petitioners : Mr.P.Manikannan
for Mr.M.Jayakumar

For Respondents : Mrs.P.Priya
for M/. Manjulachavan

O R D E R

This petition has been filed to withdraw the suit in O.S.No.61 of 2017 pending on the file of the District Munsif Court, Tiruvottiyur and to transfer the same to the file of IV Additional District Court, Ponneri to be tried along with O.S.No.179 of 2017.

2.Petitioners are the plaintiffs and respondents are defendants 3 & 4 in O.S.No.179 of 2017 on the file of IV Additional District Court, Ponneri. The said suit is filed to declare the settlement deeds in Doc.No.765 of 1993, dated 26.03.1993 and Doc.No.553 of 2017, dated 27.01.2017 respectively as null and void, to declare the plaintiffs title over the suit property, consequential injunction restraining the defendants 1 and 2 or their men or anyone from disturbing

peaceful possession and enjoyment of the suit property and for a mandatory injunction directing the 5th and 6th defendants to make necessary encumbrance and for costs.

3.The respondents filed a suit in O.S.No.61 of 2017 before District Munsif Court, Tiruvottiyur seeking for a permanent injunction restraining the petitioner or any one from interfering with the construction activities of the respondents' suit schedule properties and also for permanent injunction restraining the petitioners not to alienate or encumber the respondents' suit schedule property and to pay costs.

4.According to the petitioners the properties involved in both the suits are one and the same and respondents do not have any right, interest or title over the suit property and sought for transfer of O.S.No.61 of 2017 to the file of IV Additional District Judge, Ponneri to be tried along with O.S.No.179 of 2017.

5. Heard the learned counsel for the petitioners as well as the learned counsel for the respondents and perused the materials available on record.

6. From the materials placed before this Court, it is seen that the suit property in both the suits are one and the same and petitioners and respondents are claiming possession with regard to the very same property. The suit filed by the petitioners is pending before the IV Additional District Judge, Ponneri and it is a comprehensive suit. In order to avoid multiplicity of proceedings and conflicting judgments being delivered by two different Courts the suit in O.S.No.61 of 2017 is ordered to be withdrawn from the file of District Munsif Court, Tiruvottiyur and transferred to the file of IV Additional District Court, Ponneri to be tried along with O.S.No.179 of 2017. On receipt of the records, the learned IV Additional District Judge, Ponneri, is directed to dispose all the suits as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order. This Transfer Miscellaneous Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

smi

To

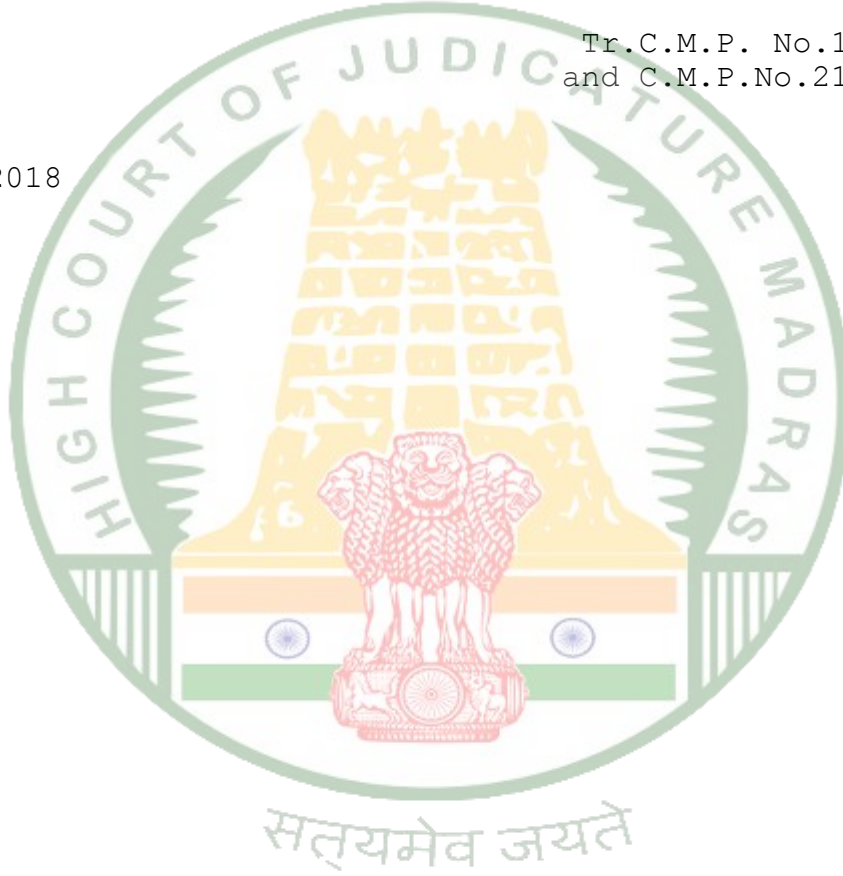
1.The District Munsif, Tiruvottiyur

2.The IV Additional District Judge,
Ponneri,
Tiruvallur District.

+lcc to Mr.M.Jayakumar, Advocate sr.no.26488

Tr.C.M.P. No.1063 of 2017
and C.M.P.No.21660 of 2017

ssi(co)
nr 07/05/2018



WEB COPY