

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.706 of 2017  
and C.M.P.No.14300 of 2017

1. Saradambal
  2. Kasthuribai
  3. C.Devarajan
  4. C.Yoganandan
- Petitioners

...

Versus

1. Mohanambal
2. C.Purushothaman
3. The Asst.Engineer (O&M)  
TANGEDCO  
Kamarajar Nagar, Avadi  
Chennai 600 071.
4. The Commissioner  
Avadi Municipality,  
Avadi, Chennai 600 054.

... Respondents

Prayer : Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw the and transfer the case O.S.No.234 of 2017 on the file of the Additional District Munsif Court at Poonamallee to Sub Court, Kanchipuram for joint trial with O.S.No.152 of 2008.

For petitioner : Mr.K.Harikrishnan

For Respondents : Mr.T.Thiyagarajan

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O R D E R

This petition is filed to withdraw the and transfer the case O.S.No.234 of 2017 on the file of the Additional District Munsif Court at Poonamallee to Sub Court, Kanchipuram for joint trial with O.S.No.152 of 2008.

2. There are two suits. OS.No. 152 of 2008 was filed for

partition by the transfer petitioner before the Sub Court, Kanchipuram and it is in the stage of examination of PW1. O.S.No.234 of 2017 was filed by the respondent herein before the Additional District Munsif Court, Poonamallee for mandatory injunction and permanent injunction to remove the illegal construction put up by the transfer petitioner. Now the transfer is sought for transferring O.S.No. 234 of 2017 which is a subsequent suit to be tried along with the O.S.No. 152 of 2008. Admittedly, the 'D'schedule property in O.S.No. 152 of 2008 is the subject matter in the subsequent suit in O.S.No. 234 of 2017. If the suits are tried individually, it may lead to conflict in decisions between each other, at least with respect to one property which is the matter in O.S.No. 234 of 2017.

3. The learned Counsel for the respondents also states no objection for transferring of O.S.No. 234 of 2017 from Additional District Munsif Court, Poonamallee to the Sub Court, Kanchipuram and trying it along with O.S.No. 152 of 2008.

4. Accordingly, the Transfer Civil Miscellaneous petition is allowed. No Costs. Consequently, Connected miscellaneous petition is also closed.

Sd/-  
Assistant Registrar(CS VIII)

//True copy//

Sub Assistant Registrar

TO

1.The Additional District Munsif Court,  
Poonamallee.

2.The Sub Court,  
Kanchipuram.

3. The Asst.Engineer (O&M)  
TANGEDCO  
Kamarajar Nagar, Avadi  
Chennai 600 071.

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4. The Commissioner  
Avadi Municipality,  
Avadi, Chennai 600 054.

+1cc to Mr.K.Harikrishnan, Advocate SR.No.21549

TR.CMP.NO.706 OF 2017  
AND C.MP.NO. 14300 OF 2017

PPA (CO)  
GN (20/04/2018)



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