

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.736 of 2017
and C.M.P.No.15035 of 2017

E. Nirmala

... Petitioner

versus

1. C. Rajkumar
2. C. Ramachandran
3. C. Rajasekar

... Respondents

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw the suit in O.S.No.5286 of 2014, pending on the file of I Assistant City Civil Court, Chennai and transfer the same to the file of District Munsif Court at Alandur.

For Petitioner : Mr.B.N.Chandrasekar
For Respondents : No appearance

O R D E R

The petitioner herein, who had filed O.S.No.5286 of 2014 on the file of the I Assistant City Civil Court, Chennai for the relief of permanent injunction restraining the defendant from disturbing the peaceful possession and enjoyment of the suit properties. The respondents had also filed O.S.No.137 of 2017 on the file of the District Munsif Court, Alandur for the relief of mandatory injunction to remove the encroachments and permanent injunction from altering the existing physical features and encumbering the suit property.

2. The plaintiff in O.S.No.5286 of 2014 is shown as 12th defendant in the other suit. It is stated in the affidavit that there is one more suit in O.S.No.427 of 2015, which is also pending before the District Munsif Court, Alandur. It is not known, whether the present petitioner is the party to that suit. However, the learned counsel appearing for the petitioner states that the subject matter in O.S.No.5286 of 2014 is the same in O.S.No.137 of 2017. As O.S.No.137 of 2017 was filed only in the year 2017, any decisions that may be rendered independent of each other would lead to a conflict in decisions. Hence, the transfer is sought for.

3. Heard the learned counsel for the petitioner.

4. Though the respondents are served with notice and entered appearance through counsel, there is no representation for them. As stated earlier, as the property and parties are the same in both the suits, it would be appropriate to try both the cases jointly.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and O.S.No.5286 of 2014, pending on the file of I Assistant City Civil Court, Chennai is transferred to the file of District Munsif Court, Alandur, to be tried along with O.S.No.137 of 2017. No Costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

rsi

To

1. The I Assistant City Civil Judge,
Chennai.

2. The District Munsif,
Alandur.

+1 CC to Mr.B.N. Chandrasekar, Advocate sr 14203

सत्यमेव जयते

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PA(CO)
SP(04/04/2018)

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