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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Tr.C.M.P.No.628 of 2018
and
C.M.P.No.20815 of 2018

Chandirakumar

...Petitioner

Vs.

1.Kalavathi
2.Krishnan
3.Ambika
4.Pugalendhi
5.Mani @ Madu Mani

... Respondents

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. Praying to withdraw the suit O.S.No.5 of 2017, from the file of the District Munsif Court, Tambaram and transfer the same to the file of XIV Asst.Judge, City Civil Court, Chennai, where connected suit O.S.No.4353 of 2015, is pending for joint trial.

For petitioner : Mr.R.Mohanraj

For respondents 1-5 : Mr.R.Vasudevan

O R D E R

This petition is filed by the petitioner seeking to withdraw the suit O.S.No.5 of 2017, from the file of the District Munsif Court, Tambaram and transfer the same to the file of XIV Asst.Judge, City Civil Court, Chennai, where connected suit O.S.No.4353 of 2015, is pending for joint trial.

2. The respondent filed a suit in O.S.No.5 of 2017 before the District Munsif Court, Tambaram for a larger relief of declaration. Whereas the petitioner filed a suit in O.S.4353 of 2018 for permanent injunction before City Civil Court, Chennai.

3. A Perusal of the documents goes to show that the property in dispute falls within the territorial jurisdiction of District Munsif Court, Tambaram. The cause of action for filing the suit in O.S.4353 of 2015 is based on the high handed act committed by



the defendant in disturbing the peaceful possession and enjoyment of the schedule property by the plaintiff therein arose within the jurisdiction of District Munsif Court, Tambaram. The parties are one and the same and the property subject matter of the both the suits is one and the same.

4. Considering the cause of action, territorial jurisdiction, relief sought for in the respective suits and in the interest of justice, the suit pending on the file of XIV Assistant Judge City Civil Court, Chennai has to be transferred to Tambaram.

5. Accordingly, O.S.4353 of 2015 pending on the file of XIV Assistant Judge, City Civil Court, Chennai, is withdrawn and transferred to District Munsif Court, Tambaram, to be tried along O.S.No.5 of 2017.

6. The Transfer Civil Miscellaneous Petition is ordered in the above terms. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

bkn

To

1. The District Munsif Court,
Tambaram.

2.The XIV Asst. Judge,
City Civil Court, Chennai.

+lcc to M/S.C.Mohanraj, Advocate Sr.18530
+lcc to M/s.R.Vasudevan, Advocate Sr.18523

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