

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.571 of 2019

1. S.Ramayammal
2. Jothimanickam ..Petitioners
-vs-
C.Gnanadurai ..Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the Appeal Suit No.13 of 2019 pending on the file of the learned V Additional City Civil Court, Chennai and transfer the same to the I Additional City Civil Court, Chennai to be tried along with the Appeal Suit No.237 of 2017 pending there.

For Petitioners :: Ms.K.Jenitha
For Respondent :: Mr.T.Easwaradhas

ORDER

This transfer civil miscellaneous petition has been filed seeking an order to withdraw the Appeal Suit No.13 of 2019 pending on the file of the learned V Additional Judge, City Civil Court, Chennai and transfer the same to the learned I Additional Judge, City Civil Court, Chennai to be tried along with the Appeal Suit No.237 of 2017 pending on his file, on the ground that the subject matter of suit property in both the appeal suits is one and the same and that one of the respondents in both the appeal suits is also one and the same, except different appellant in each appeal suit. Therefore, if the matters are heard together by one Court, the valuable and precious time of the other Court can be saved, which is also greatly required for disposal of urgent cases.

2. Learned counsel for the petitioners, drawing the notice of this Court to the schedule of property shown in A.S.No.237 of 2017, stated that the property situate in Plot No.38, Survey No.257/part having an extent of 2750 sq.ft., in Velacherry Village, is the same property shown in A.S.No.13 of 2019 pending on the file of the learned V Additional Judge, City Civil Court,

Chennai. Hence, the prayer for transfer has been made, she pleaded.

3. Heard both sides.

4. The schedule of property shown in A.S.No.237 of 2017 as well as in A.S.No.13 of 2019 reads as follows:-

"A.S.No.237 of 2017:

All that piece and parcel of the house site bearing Plot No.38 in Survey No.257/part, in extent 2750 sq.ft., forming part of the approved layout I Balamurugan Nagar, Velachery, Chennai, by the Director of Town Planning in Ka.No.5582 of 1975 dated 18.03.1976 in Velachery Village and Bounded on the

North by : 30 Feet road,

South by : Plot No.35,

East by : Plot No.37,

West by : Plot No.39

within the Sub Registration District of Velachery and Registration District of Chennai South."

A.S.No.13 of 2019:

"All that part and parcel of land situated in Velachery Village, Mambalam Guindy Taluk, Chennai District comprised in S.No.257, approved house site plot No.38, DTP No.221/75 layout plan No.5582/75 bounded on the

North by : Road

South by : Plot No.35

East by : Plot No.37

West by : Plot No.39

admeasuring

East to West on the Northern side : 50 feet

East to West on the Southern side : 50 feet

North to South on the Eastern side : 52 feet

North to South on the Western side : 55 feet

measuring total extent of 2675 sq.ft., within the registration District of South Chennai."

5. A perusal of the subject matter of property involved in both the appeal suits clearly shows that it is one and the same property. Moreover, one of the respondents in the appeal suits is also one and the same person, except the appeal suits having been filed by different appellant. If the appeal suits are jointly tried by one Court, the precious and valuable time of the other Court can be greatly saved and the same avoids

multiplicity of proceedings also. Therefore, this Court is inclined to accept the prayer of the petitioners. Accordingly, the Appeal Suit No.13 of 2019 is withdrawn from the file of the learned V Additional Judge, City Civil Court, Chennai and transferred to the file of the learned I Additional Judge, City Civil Court, Chennai. The learned I Additional Judge, City Civil Court, Chennai is directed to take up both the Appeal Suit Nos.237 of 2017 and 13 of 2019 together and dispose of the same expeditiously in accordance with law. With this direction, the transfer civil miscellaneous petition stands allowed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The V Additional Judge
City Civil Court
Chennai
2. The I Additional Judge
City Civil Court
Chennai

+1 cc to M/s.A.Malath Devapriyan, Advocate Sr.No. 70740
+1 cc to M/s.T.Easwaradhas, Advocate Sr.No. 71434

AKM/23.09.19/3P-5C/

सत्यमेव जयते

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