

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 05TH DAY OF NOVEMBER 2019

THE HON'BLE MS. JUSTICE PUSHPA SATHYANARAYANA

A.No.7633 of 2019

in

C.S.NO.954 of 2005

1.R.Madhiyalagan,
2. M.Vennila,
3. R.Annathurai,
4.R.Dhanapal,

....Plaintiffs

-vs-

1.K.Porselvi,
2. N.Niraiselvi,
3. R.Saroja,
4. R.Selvakumar,
5. R.Manoharan,
6. V.Banumathy,
7. Mrs. Seetha Viswanathan
8. Mr.R.Ravichandran (Deceased)

Defendants 7 and 8 are impleaded
as per the order of the Court
dated 07.12.2011 in A.NO.5625/2011

9. Radha Ravichandran,
10.Deepathi Ravichandran
11. Shruthi Ravichandran

Defendants 9 to 11 are impleaded
as per the order of the Court
dated 06.06.2014 in A.No.3197/2014

No claim is made against the
Respondents 7 to 11 and
hence they are give as not
necessary parties

....Defendants

A.No.7633 of 2019:

R.Madhiyalagan,
No.10-B, Selavayal,
Kodungaiyur,
Parvathy Nagar,
Chennai 600 051

..Plaintiff

-vs-

1.M.Vennila,
P.No.13, Parvathi Nagar,
Kollachery, Kundrathur,
Chennai 600 039

2.R.Annathurai,
No.54, B-Block,
Housing Board Colony,
Cemetery Road,
Royapuram, Chennai 13

3.R.Dhanapal,
No.1, C.G.Colony,
2nd Lane, Royapuram
Chennai 600 013

4.Porselvi,
No.32, U Block, Anna Nagar
Chennai 40

5.N.Niraiselvi,
No.G 57/1, VOC Main Road,
Anna Nagar East, Chennai 102

6.R.Selvakumar,
Door No.1, Model School Road,
New Street
Thousand Lights, Chennai 600 006

7.R.Manoharan,
No.4, 2nd Cross Street
Sastry Nagar, Adyar,
Chennai 600 020

8.V.Banumathy,
No.1/80, Mandaveli Amman Koil Street
Ramapuram, Chennai 89

...Defendants

This Application praying that this Honble Court be pleased to withdraw the suit in O.S.NO.5315/2019 pending on the file of the XVII Judge Fast Track Court, Chennai (XVII ADDITIONAL JUDGE CITY CIVIL COURT CHENNAI) and Transfer the same to be tried along with C.S.No.954/2005, now pending before this Honble Court.

This Application coming on this day before this court for hearing the court made the following order:

The present application is filed for withdrawing the suit in O.S.No.5315 of 2019 pending on the file of the XVII Judge Fast Track Court, Chennai, XVII Additional Judge City Civil Court, Chennai and transferring the same to be tried along with C.S.No.954 of 2005 on the file of this Court. Both the suits are filed only for partition. Without getting into the merits of the case it is admitted that the Application No.5623 of 2018 was

filed by the present applicant for including his house property as the subject matter in O.S.No.5315 of 2019 in C.S.No.954 of 2005. The said application was dismissed on merits after contest on 19.11.2018 . Besides the merits of the case, it is also found to be belated relief sought for by the applicant herein. Aggrieved by the said order the applicant herein has filed an appeal in OSA.No.33 of 2019 which also met with the same fate and was dismissed on 10.04.2019. Having failed in his attempt, to include his house property, the applicant has filed a separate suit O.S.No.5315 of 2019 for partition before the XVII Judge Fast Track Court, Chennai XVII Additional Judge, City Civil Court, Chennai.

2. Be that as it may. Now it is stated that the present C.S.No.954 of 2005 is ripe for arguments and infact plaintiff side has already argued. Therefore evidence is over and it is posted for arguments after almost 15 years. At this stage the applicant is making an attempt to transfer the O.S.No.5315 of 2019 in which written statement is also yet to be filed to be tried along with the suit pending before this Court. Admittedly the subject matter in O.S.No.5315 of 2019 is not a subject matter in C.S.No.954 of 2005, therefore there is no need for transfer of the said suit and the said suit can be independently tried. Hence the application is devoid of merits and the same is dismissed.

3. Post the suit for hearing on 03.12.2019.

Sd/.P.S.N.J.

05.11.2019

//Certified to be a true copy//

Dated this the day of 2019.