

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.138 of 2020

1. R.Kalyani
2. R.Sekher .. Petitioners

-vs-

1. D.Chiranjeevulu Raju
2. D.Srividya
3. G.K.Jai Praveen
4. D.Krishnaveni ... Respondents

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the O.S.No.397 of 2019 on the file of the learned Additional District Judge-4, Tiruvallur at Ponneri and transfer the same to the file of the learned XVIII Additional Judge, City Civil Court, Chennai, to be tried jointly along with the suits in O.S.Nos.675, 676 and 677 of 2019 all on the file of the learned XVIII Additional Judge, City Civil Court, Chennai.

For Petitioners :: Mr.R.Krishnasamy
For Respondents :: No appearance

ORDER

Heard learned counsel for the petitioners through video conferencing due to the Covid-19 pandemic.

2. This transfer civil miscellaneous petition has been filed seeking withdrawal of the O.S.No.397 of 2019 from the file of the learned Additional District Judge-4, Tiruvallur at Ponneri and transfer the same to the file of the learned XVIII Additional Judge, City Civil Court, Chennai, where three other suits in O.S.Nos.675, 676 and 677 of 2019 filed by the respondents 1 to 3 are pending.

3. Learned counsel appearing for the petitioners submitted that when there were money transactions between the petitioners and the first respondent, claiming to be the power agent of the first petitioner, the fourth respondent, who is the wife of the first respondent, had executed a sale deed in favour of the

first respondent, as a result the property belonging to the first petitioner has been alienated. In addition to the above, the respondents 1 to 3 have filed three suits seeking recovery of huge money from the petitioners. Since the three suits in O.S.Nos.675, 676 and 677 of 2019 are all pending on the file of the learned XVIII Additional Judge, City Civil Court, Chennai, the suit in O.S.No.397 of 2019 filed by the petitioners against the very same respondents in respect of the same money transaction on the file of the learned Additional District Judge-4, Tiruvallur at Ponneri, may also be transferred to the file of the learned XVIII Additional Judge, City Civil Court, Chennai, so that all the suits can be jointly tried, as it not only saves the time of the Court, but also avoids the multiplicity of proceedings. Besides, it will not only be beneficial to the litigants, but also convenient for the Court to appreciate the issues involved and give a common disposal of all the suits on merit.

4. Although service of notice was complete on the respondents, for the last two hearings, none has appeared. That shows that the respondents have no objection for allowing the transfer civil miscellaneous petition.

5. It is not in dispute that the respondents 1 to 3 have already filed three suits for recovery of monies, namely, O.S.Nos.675, 676 and 677 of 2019 on the file of the learned XVIII Additional Judge, City Civil Court, Chennai by arraying the second petitioner as a party defendant. When the petitioners also have filed a suit in O.S.No.397 of 2019 on the file of the learned Additional District Judge-4, Tiruvallur at Ponneri against the respondents praying for a judgment and decree to declare the sale deed dated 9.11.2018 executed by the fourth respondent in favour of the first respondent as null and void, it is proper to transfer the O.S.No.397 of 2019 also to the file of the learned XVIII Additional Judge, City Civil Court, Chennai for a joint trial and common disposal. Accordingly, the transfer civil miscellaneous petition stands allowed and the O.S.No.397 of 2019 is withdrawn from the file of the learned Additional District Judge-4, Tiruvallur at Ponneri and transferred to the file of the learned XVIII Additional Judge, City Civil Court, Chennai, to be tried jointly along with O.S.Nos.675, 676 and 677 of 2019 pending on its file on merit. Consequently, C.M.P.No.4608 of 2020 is closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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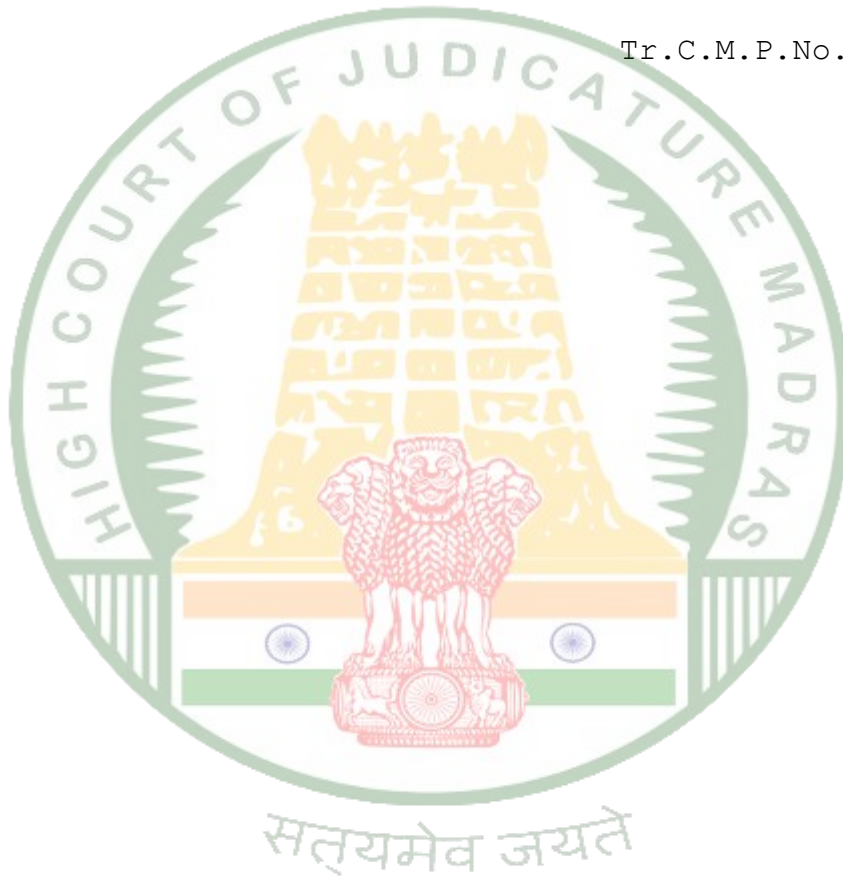
To

1. The Additional District Judge-4
Tiruvallur at Ponneri

2. The XVIII Additional Judge
City Civil Court, Chennai

+1 cc to Mr. R.Krishnaswamy, Advocate Sr.No. 25548

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