

A.No.2536 of 2020

in

C.S.No.685 of 2019

C.V.KARTHIKEYAN J.

This Application has been filed by the Defendant / HDFC ERGO General Insurance in the Suit, under Clause 13 of the Letters Patent, seeking to transfer the suit in O.S.No.5186 of 2019 now pending on the file of the XIXth Additional City Civil Court, Chennai, to be tried along with the present Suit. The Suit has been filed by the Plaintiff, Mr.K.K.Ramesh, Sole Proprietor of KKR Metal Components, against the Defendant seeking a Judgment and Decree for a sum of Rs.6,99,36,135/- together with interest at 18% per annum and for costs.

2.The cause of action for the Suit was with respect to Insurance of the Factory premises along with the machinery, raw materials, stock-in-trade, work-in-progress and also finished goods and rejection of the claim submitted by the Plaintiff was rejected by the Defendant.

3.It is seen that before the XIX Additional City Civil Court, Chennai, the Defendant herein, namely, HDFC ERGO General Insurance had

instituted a suit seeking a Judgment and Decree for recovery of sum of Rs.34,71,506.85/- which comprised of the principal sum of Rs.25,00,000/- and interest. The cause of action for institution of the said suit was again the policy, which had been obtained by the Plaintiff in the present Suit / Defendant in the City Civil Court, with respect to the factory premises and also the stocks available in the factory premises and the claim made therein and the repudiation of the claim.

4.In view of the facts that the documents relating to both the Suits would overlap and the evidence to be recorded would be common, it would only be in the interest of both the parties, that the Suits are tried jointly and common evidence is adduced.

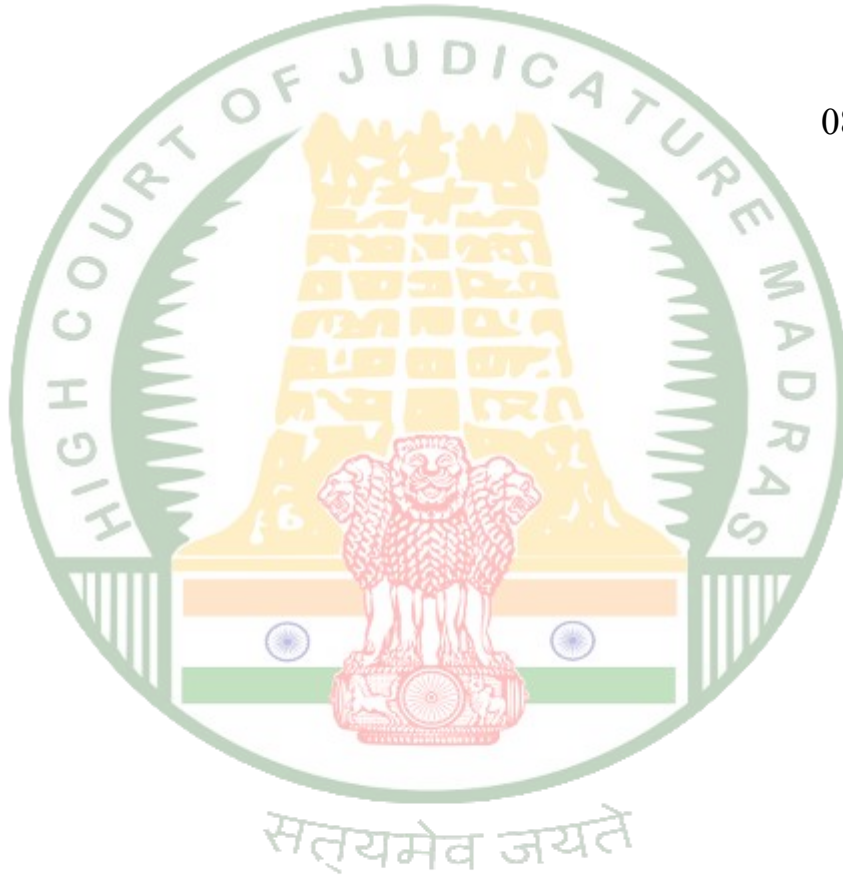
5.Taking that view into consideration, the Application is allowed and a direction is issued that the Suit now pending in O.S.No.5186 of 2019 on the file of the XIX Additional City Civil Court, Chennai, may be transferred to the Commercial Division of the Madras High Court and so that both the Suits can be tried jointly.

6.Registry to take necessary steps and call for the entire records of O.S.No.5186 of 2019 now pending in the XIX Additional City Civil Court, Chennai.

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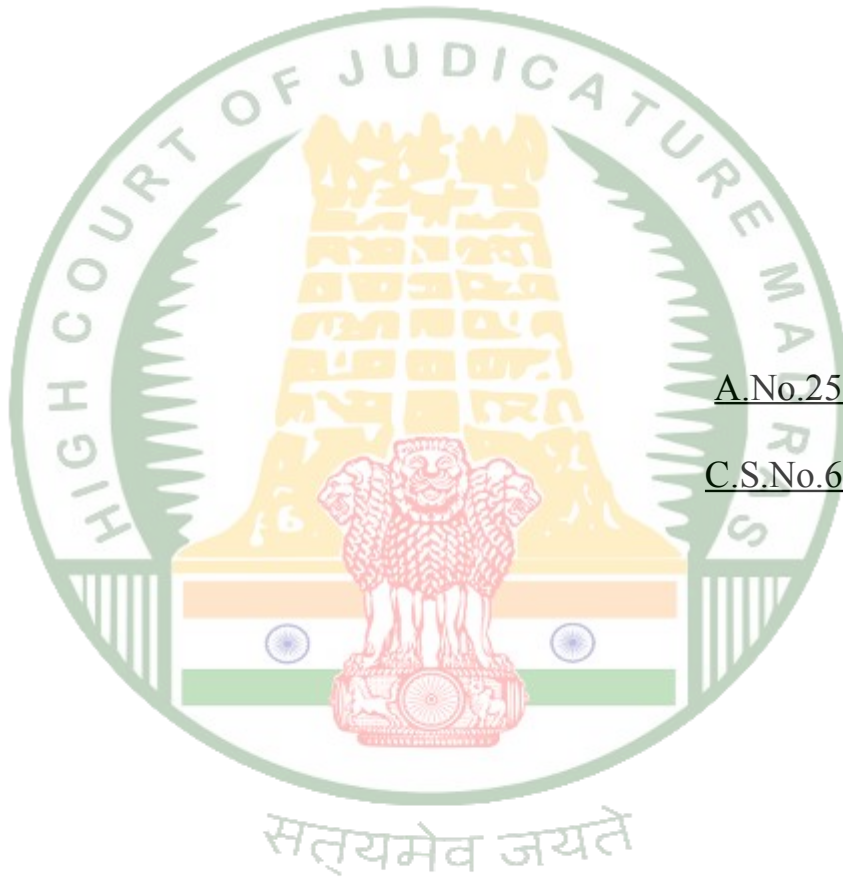


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