

A.No.501 of 2021
in C.S.No.175 of 2020

R.PONGIAPPAN, J.,

The plaintiff in C.S.No.175 of 2020 has filed the present application in A.No.501 of 2021 under Order XIV Rule 8 of the Original Side Rules read with Section 24 of the Civil Procedure Code, seeking for the relief to withdraw and transfer the suit in O.S.No.1651 of 2020 pending on the file of the learned VI Additional Judge, City Civil Court, Chennai, to this Court.

2. Heard the learned counsel appearing for the applicant / plaintiff and the learned counsel appearing for the respondent / defendant.

3. The learned counsel appearing for the respondent / defendant would submit that he is not having any objection in ordering this application.

4. In otherwise, on going through the subject matter of the suit, it appears that O.S.No.1651 of 2020, is for the relief of redemption of the Mortgage Deed and other reliefs. Similarly, C.S.No.175 of 2020 is filed for the following reliefs;

"(a) to direct the defendant to specifically perform the Sale Agreement dated 20.09.2019 after receiving the balance sale consideration of Rs.25,50,000/- and execute the sale deed within a time to be fixed by this Hon'ble Court failing which this Hon'ble Court to execute the sale deed in respect of the suit property at No.1, Bajanai Koil Street, II, Avenue Road, Ashok Nagar, Chennai-83, morefully described in the schedule or in the alternate;

(b) to direct the defendant to pay the plaintiff a sum of Rs.1,69,68,250/- (Rupees One Crore and Sixty Nine Lakhs and Sixty Eight Thousand Two Hundred and Fifty Only) with interest @ 18% p.a. on Rs.1,49,50,000/- (Rupees One Crore Forty Nine Lakhs and Fifty Thousand Only) from the date of plaint till the date of realization and for a statutory charge for the decreed amount on the property at No.1, Bajanai Koil Street, II, Avenue Road, Ashok Nagar, Chennai-83 morefully described in the schedule; and

(c) to pay costs of the suit."

5. Now, on going through the prayer set out in the above two suits, are different in nature. But, the subject matter of the suit property, is one and the same. Therefore, I am of the considered opinion that, if the joint trial or simultaneous trial, is ordered in both the suits, it would be convenient for either side and also, it is helpful to avoid multiplicity of proceedings.

6. Therefore, in view of the said discussions, A.No.501 of 2021, is allowed.

7. Registry is directed to call for the entire records pertaining to O.S.No.1651 of 2020, pending on the file of the learned VI Additional Judge, City Civil Court, Chennai and list the matter before this Court after four (4) weeks.

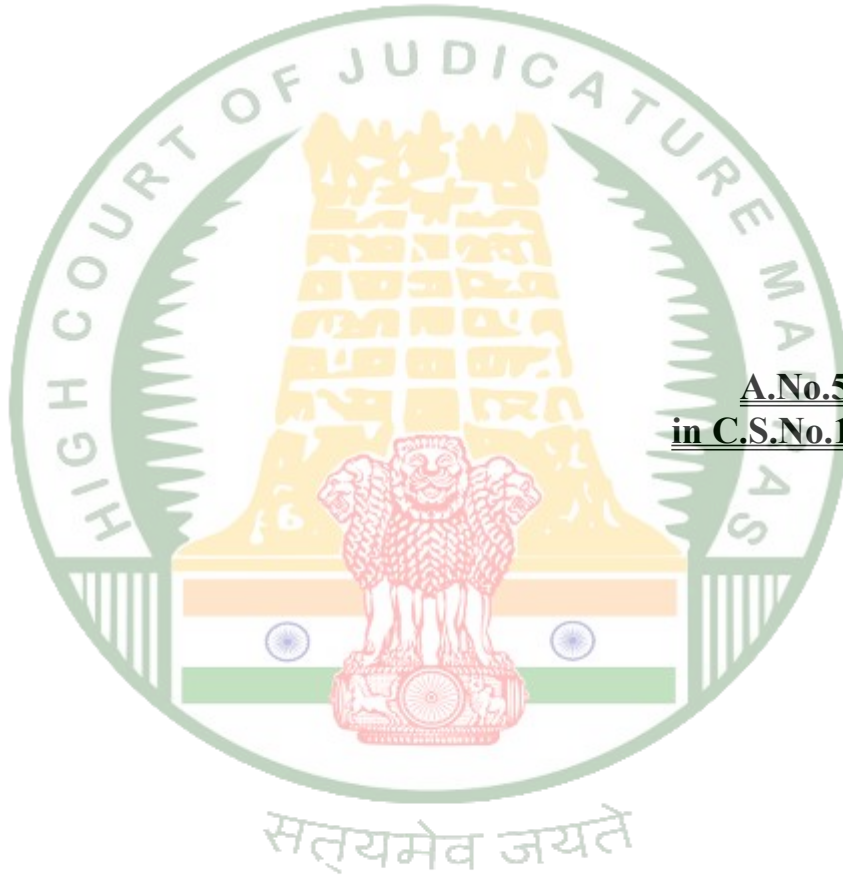
sri

WEB COPY

02.03.2021

R.PONGIAPPAN, J.

sri



A.No.501 of 2021
in C.S.No.175 of 2020

WEB COPY

02.03.2021