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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 23rd DAY OF AUGUST 2021

THE HON'BLE MR.JUSTICE N.SESHASAYEE

A.No.1719 of 2021

in

C.S.No.757 of 2015

Mrs.Noor Aliza Fridi Felizal Fernandez,
Wife of Mr.K.K.I.Mohamed Ali,
No.90, C.N.K.Street,
Chepauk, Chennai – 600 005.

... Applicant/Plaintiff

-Versus-

1.Mr.Jumma Ibrahim Ali,
Son of K.K.I.Mohamed Ali (Late),

2.Mrs.Rahimath Ali,
Daughter of K.K.I.Mohamed Ali (Late),

3.Mrs.Kairunnisa Ali,
Daughter of K.K.I.Mohamed Ali (Late),

4.Mrs.Bulkis Ali,
Daughter of K.K.I.Mohamed Ali (Late),

5.Mrs.Mohamuda Ali,
Daughter of K.K.I.Mohamed Ali (Late),

6.Mr.Ajmel Ali,
Son of K.K.I.Mohamed Ali (Late),
Defendants 1 to 6 are residing at
No.3, Lorong Tun Salleh,
Assam Kumbang, 34000,
Taiping, Perak, Malaysia.

... Respondents /Defendants

A.No.1719 of 2021:-

<https://hcservices.ecourts.gov.in/hcservices/>

Application praying that this Hon'ble Court be pleased to withdraw



and transfer the suit in O.S.No.6349/2012 pending on the file of XI Asst.City Civil Court, Chennai to be tried along with C.S.No.757 of 2015 pending the file of this Hon'ble Court.

This Application coming on this day before this court for hearing in the presence of Mr.R.N.Amarnath, Advocate for the applicant herein, and Mr.R.Vankata Varathan, Advocate for the respondents 2 to 6 herein, and upon reading the judges summons and the affidavit of Noor Aliza Fridi Felizal Fernandez filed herein, it is ordered :-

That the Suit in O.S.No.6349 of 2012 on the file of XI Additional City Civil Court be and is hereby withdrawn from the file of the said court and the same is hereby transferred to this Hon'ble Court to be tagged along with this suit C.S. No.757 of 2015 before this court within a period of three weeks.

2. That the A.No.1719 of 2021 in C.S.No.757 of 2015 be posted on 14.09.2021.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
23rd DAY OF AUGUST 2021.

Sd/-
ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)



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07.09.2021

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A.No.1719 of 2021
in
C.S.No.757 of 2015

ORDER

DATED: 23.08.2021

THE HON'BLE MR.JUSTICE
N.SESHASAYEE

FOR APPROVAL: 07.09.2021

APPROVED ON: 07.09.2021

Copy to:

The Registrar,
XI Additional City Civil Court,
Chennai.



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 23rd DAY OF AUGUST 2021

THE HON'BLE MR.JUSTICE N.SESHASAYEE

A.No.1719 of 2021

in

C.S.No.757 of 2015

Mrs.Noor Aliza Fridi Felizal Fernandez,
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Defendants 1 to 6 are residing at

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... Respondents /Defendants



A.No.1719 of 2021:-

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Application praying that this Hon'ble Court be pleased to withdraw and transfer the suit in O.S.No.6349/2012 pending on the file of XI Asst.City Civil Court, Chennai to be tried along with C.S.No.757 of 2015 pending the file of this Hon'ble Court.

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

The plaintiff has laid a suit for bare injunction in O.S.No.6349 of 2012 before the XI Assistant City Civil Court, Chennai. Later he has laid the present suit in C.S.No.757 of 2015 for declaration of his title etc., wherein, he has alleged that the defendants in the earlier mentioned suit has settled the property in favour of his sister and they are also the parties to the suit. The present application is filed for withdrawing O.S.No.6349 of 2012 which is pending before the XI Assistant City Civil Court, Chennai for a joint trial with this case.

2. The learned counsel for the defendants/respondents has filed his counter and argued that the settlement deeds have been executed by the defendants in O.S.No.6349 of 2012 even prior to the filing of that suit.

Hence, O S No.6349 of 2012 has been filed against the wrong person without any title. Today, as the settlees of the said defendants is before the



Court along with him, there is no need for continuing that suit.

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3. After carefully weighing the rival submissions, this Court records that it is not always necessary for one needs to interfere with the possession only when such a person has title to the property. Secondly, when the parties and the properties involved in the issues are one and the same, it is only appropriate that both the suits are tried jointly to avoid any contra decision and other issues can be raised during trial.

4. Therefore, this Court decides to allow this application and withdraws O.S.No.6349 of 2012 pending on the file of XI Assistant City Civil Court, Chennai, and the same has to be tagged along with this suit in C.S.No.757 of 2015 within a period of three weeks.

5. Post the case on 14.09.2021.

Sd./-N.S.S.J.
23.08.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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