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A.No.2783 of 2021
O.A.No.262 of 2021
in C.S.No.166 of 2021

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ABDUL QUDDHOSE, J.

A.No.2783 of 2021: This application has been filed to transfer the suit in O.S.No.2205 of 2018 pending on the file of the II Assistant City Civil Court, Chennai to be tried along with the present suit in C.S.No.166 of 2021.

2. Several opportunities were granted to the respondents/defendants to file counter. Till date, no counter has been filed by the respondents in the present application and there is no representation on the side of the respondents/defendants.

3. Learned counsel for the applicant is present today.

4. The suit filed by the applicant before this court is to declare the applicant/ plaintiff as the absolute owner of the suit schedule property and consequently to declare the settlement deed in favour of the defendants in Document No.1624 of 2012 dated 25.04.2012 on the file of the SRO, Purasaiwalkam as null and void.



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5. The defendants have filed a suit before the City Civil Court, Chennai with regard to the same property against the plaintiff herein seeking for a declaration to declare the sale deed dated 22.07.2013 in Document No.3035 of 2013 registered at SRO, Purasaiwalkam executed in favour of the plaintiff as null and void.

6. Both the suits pertain to the very same suit schedule property. Unless and until, both the suits are tried together, effective justice cannot be rendered to either of the parties.

7. Learned counsel for the applicant/plaintiff submits that even though issues having been framed in the suit O.S.No.2205 of 2018 on the file of the II Assistant City Civil Court, Chennai, trial has not been commenced. The said statement is recorded.

8. To meet the ends of justice and in the interest of both the parties, it is better to try both the suits together.



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9. This Court has perused and examined the contents of the affidavit filed in support of application seeking for transfer of the suit O.S.No.2205 of 2018 on the file of the II Assistant City Civil Court, Chennai to the file of this Court.

10. Therefore, this Court is of the considered view that both the suits namely O.S.No.2205 of 2018 and the present suit C.S.No166 of 2021 can be tried together and the reason for transfer given by the applicant is a just one and hence, this Court is inclined to allow the application as prayed for.

11. Accordingly, Application No.2783 of 2021 is allowed. The II Assistant City Civil Court, Chennai is directed to send the entire records relating to O.S.No.2205 of 2018 to the file of this Court to be tried along with C.S.No.166 of 2021.

21.12.2021

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