



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.458 of 2021 and

C.M.P.No.12153 of 2021

[Through video conferencing]

N.Babu @ N.Mahendra Babu

... Petitioner

Vs.

1.N.Kavery

2.N.Prakasam

3.K.Poorani

... Respondents

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the Suit in O.S.No.214 of 2021 on the file of the Sub Court, Alandur and transfer the same to the file of the learned XVI Additional City Civil Court at Chennai try together in Suit in O.S.No.1187 of 2020.

For Petitioner : Mr.A.K.Gopalan

For Respondents : Mr.P.Sunil alias Sunil Praksah

For R1 & R3

R2 - N.A

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the Suit in O.S.No.214 of 2021 on the file of the Sub Court, Alandur and transfer the same to the file of the learned XVI Additional City Civil Court at Chennai try together in Suit in O.S.No.1187 of 2020.

2.The 2nd respondent has filed O.S.No.214 of 2021 before the Subordinate Judge, Alandur and the brother and sister of the 1st defendant's husband has filed O.S.No.1187 of 2020 before the City Civil Judge, Chennai for partition and declaration.

3.The learned counsel for the petitioner submitted that the petitioner is the 2nd defendant in O.S.No.214 of 2021 on the file of the Sub Court, Alandur and the 3rd defendant in O.S.No.1187 of 2020 on the file of the XVI Additional Judge, Chennai seeking for partition and declaration. He would submit that the plaintiff in O.S.No.214 of 2021 is his elder brother and the defendants are his mother and sister as well as the plaintiffs in O.S.No.1187 of 2020 are his paternal uncle and aunt and the defendants are his brother, sister and mother. He



would further submit that all the parties in both suits are his family members and the issues and disputes involved in both the suits are inter connected with each other. Therefore he seeks to transfer the case in O.S.No.214 of 2021 on the file of the Subordinate Judge, Alandur to the file of the XVI Additional City Civil Court, Chennai tried along with O.S.No.1187 of 2020 pending on the file of the XVI Additional City Civil Court, Chennai.

4.The learned counsel appearing for the respondents submitted that they have no objection for transferring the case to the file of the XVI Additional City Civil Judge, Chennai.

5.Heard the learned counsel on either side and perused the materials available on record.

6.This Court is satisfied with the reasons stated in the affidavit filed in support of this petition. Further, since two cases are pending from two different Courts i.e., O.S.No.214 of 2021 pending before the Sub Court, Alandur and O.S.No.1187 of 2020 pending before the XVI Additional City Civil Judge, Chennai for partition and declaration, to avoid multiplicity of proceedings and conflicting judgments, both the cases have to be tried before a single Judge.

7.Considering the facts and circumstances of the case and considering the submission made by the learned counsel on either side, O.S.No.214 of 2021 is withdrawn from the file of the Subordinate Court, Alandur and transferred to the file of the XVI Additional City Civil Court, Chennai to be tried along with O.S.No.1187 of 2020 for disposal as per law. The learned Subordinate Judge, Alandur, is directed to transmit the papers to the XVI Additional City Civil Court, Chennai forthwith. The learned XVI Additional City Civil Judge, XVI Additional City Civil Court, Chennai is directed to dispose of O.S.No.214 of 2021 along with O.S.No.1187 of 2020 on merits and in accordance with law as expeditiously as possible.

8.In fine, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

ssi



To:

1. The Sub Judge,
The Sub Court,
Alandur.

2. The XVI Additional Judge,
City Civil Court,
Chennai.

+lcc to Mr.A.K.Gopalan, Advocate, S.R.No. 43537

Tr.C.M.P.No.458 of 2021

BR(CO)
GN(17/09/2021)