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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR CMP NO.510 OF 2021

AND

CMP NO.13836 OF 2021

Poonam

...Petitioner

Vs

Pon Vidyashram Group of CBSC Schools,
Represented by its Chairman,
Having its office at,
Sapthagiri Nagar, Opp. to A.R.S.Garden,
Behind Saravana Bhavan,
Arcot Road,
Valasaravakkam,
Chennai 600 087.

...Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, pleased to withdraw the suit bearing O.S.No.225 of 2018 on the file of the Subordinate Judge at Poonamallee and transfer the same to the file of the XII Assistant City Civil Court, Chennai to be tried along with the suit bearing O.S.No.5229 of 2017 pending on the file of the XII Assistant City Civil Court Chennai.

For Petitioner : Mr.C.Ravichandran

For Respondent : Mr.E.Sathish kumar

O R D E R

The petitioner who is the plaintiff in O.S.No.5229 of 2017, a suit for recovery of a sum of Rs.3,58,246/- with subsequent interest at 12 % per annum on Rs.3,14,246/-, being the balance payable for note books supplied by the petitioner to the respondent, has come up with this transfer petition, seeking transfer of O.S.No.225 of 2018 filed by the respondent seeking damages for a sum of Rs.5 lakhs, contending that the petitioner has supplied note books of inferior quality, to the City Civil Court to be tried along with O.S.No.5229 of 2017 .



2. While the suit filed by the petitioner seeking recovery is pending on the file of the XII Assistant City Civil Court, Chennai, the respondent has chosen to initiate a suit at Poonamallee. The petitioner had infact filed a transfer petition earlier in Tr.CMP No.570 of 2018 seeking transfer of the suit at Poonamallee to Chennai City Civil Court to be tried along with O.S.No.5229 of 2017. Though the respondent was served with notice in the said transfer Civil Miscellaneous Petition, they did not appear and contest the case. This Court recorded a finding that both the suits will have to be tried together since if the proceedings are allowed to be held in two different Courts, there is a possibility of conflicting of judicial verdicts. On such conclusion, this Court had allowed the said Transfer Civil Miscellaneous Petition on 18.09.2018. Thereafter, it was found that the number of the suit has been wrongly has given as O.S.No.226 of 2018 instead of O.S.No.225 of 2018. Hence the petitioner has come up with the present transfer Civil Miscellaneous Petition.

3. I have heard Dr.C.Ravichandran, learned counsel appearing for the petitioner and Mr.E.Sathish Kumar, learned counsel appearing for the respondent.

4. Dr.C.Ravichandran, learned counsel appearing for the petitioner would submit that this Court had already concluded that both the suits will have to be tried together before the same Court. The present Tr.CMP has been filed because of the mistake in the suit number that had crept in while filing the earlier petition.

5. Considering the above, I am of the opinion that both the suits will have to be tried and disposed of by the same Court as has been observed by this Court in Transfer CMP No.570 of 2018 since there is a possibility of conflicting judicial verdicts if they are tried by different Courts. Hence, the suit in O.S.No.225 of 2018 is withdrawn from the file of the Sub Court, Poonamallee and transferred to the XII Assistant City Civil Court, Chennai to be tried along with O.S.No.5229 of 2017 pending on its file. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

vum



To

1.The Subordinate Judge,
Poonamallee.

2.The XII Assistant City Civil Court,
Chennai.

+1cc to Dr.C.Ravichandran, Advocate SR.No.60315

+1cc to Mr.E.Sathish Kumar, Advocate SR.No.60342

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CP(CO)
RVM(09/12/2021)