



WEB COPY



A.Nos.1262 to 1277 of 2022
in C.S.No.336 of 2020

A.Nos.1262 to 1277 of 2022
in C.S.No.336 of 2020

KRISHNAN RAMASAMY.J.

The Applications in A.Nos.1262, 1264, 1266, 1268, 1270, 1272, 1274 & 1276 of 2022 have been filed for transfer of the following Suits;

<i>S.No.</i>	<i>Case No.</i>	<i>Parties</i>	<i>Relief</i>
1	O.S.No.7781 of 2010 on the file of III Asst.City Civil Court, Chennai	Muthuselvam Vs.P.M.Maruthai Chettiar & anr.	To declare cancellation of Settlement deed dated 11.6.2010 Doc.No.179 of 2010 at SRO Sowcarpet, Chennai as null and void
2	O.S.No.12948 of 2010 on the file of III Asst. City Civil Court, Chennai	Muthuselvam Vs. P.M.Maruthai Chettiar & anr.	To declare cancellation of Settlement deed dated 14.6.2010 Doc.No.2249 of 2010 at SRO Sowcarpet, Chennai as null and void
3	O.S.No.5986 of 2012 on the file of XVIII Asst. City Civil Court, Chennai	M.Balasubramaniam & another Vs. P.M.Maruthai Chettiar and anr.	For Mandatory injunction directing the defendants to furnish statement of account of Blue Star International Hotel and other reliefs.
4	O.S.No.7775 of 2019 on the file of VIII Asst. City Civil Court, Chennai	M.Balasubramaniam & others Vs. Rajalakshmi and others	Suit for injunction in respect of fixed deposits held by late. P.M.Maruthai Chettiar in various banks.
5	O.S.No.8488 of 2019 on the file of XI Asst. City Civil Court, Chennai	S.Govindarajan Vs. Muthuselvam & Ors.	Suit for injunction in respect of property at old D.NO.73, Nainiappa Naicken Street, Chennai and the business at No.73, Nainiappa Naicken Street, Chennai.
6	O.S.No.8736 of 2019 on the file of XIII Asst. City Civil Court, Chennai.	Rajalakshmi Vs. Muthuselvam & Ors.	Suit for injunction in respect of property at Old D.No.14/1, New No.55, Old No.9, Ormes Road, Kilpauk, Chennai



A.Nos.1262 to 1277 of 2022
in C.S.No.336 of 2020

S.No.	Case No.	Parties	Relief
7	O.S.No.8905 of 2019 on the file of III Asst. City Civil Court, Chennai	M.Muthuselvam Vs. S.Rajalakshmi & anr.	To declare the settlement deed dated 16.12.2015 Doc.NO.5489/2015 as null and void and other relief.
8	O.S.No.8906 of 2019 on the file of III Asst. City Civil Court, Chennai	M.Muthuselvam Vs. S.Govindarajan & others.	To declare the settlement deed dated 27.07.2017 Doc.No.806/2017 as null and void and other relief.

2.According to applicant/plaintiff, the parties to the proceedings of all the above mentioned suits are common and all of them claim their rights from and out of the Estate of P.M.Maruthai Chettiar and M.Kaliammal. Therefore, unless all the said civil suits are withdrawn and tried before this Court in a comprehensive manner, it may lead to multiplicity of proceedings and conflict in decisions by two competent courts in respect of very same subject matter and hence it is just and necessary that all the suits filed by the parties should be clubbed together, heard and disposed of by this Court to avoid any multiplicity of proceedings and conflict of decisions in respect of the very same subject matter.

3.Per contra, Mr.M.Aravind Subramaniam, the learned counsel appearing for the respondents 1 to 3 and 8 would submit that the subject



A.Nos.1262 to 1277 of 2022
in C.S.No.336 of 2020

WEB COPY

matter pending before the City Civil Court in all the above matters and the matter pending before this Court are not one and the same. However, he fairly submitted that the subject matter involved in O.S.No.12948 of 2010 pending before the III Assistant City Civil Court, Chennai, O.S.No.8736 of 2019 pending before the XIII Assistant City Civil Court, Chennai and now transferred to III Assistant City Civil Court, Chennai and O.S.No.8905 of 2019 pending before the III Assistant City Civil Court, Chennai and the one pending before this Court are one and the same. Therefore, he submitted that he has no objection in allowing A.Nos.1266, 1272 and 1276 of 2022.

4.Further, he submitted that the subject matter involved in all other Applications are different and those suits need not be transferred and clubbed together and the issue involved in those suits needs to be separately adjudicated.

5.Heard the learned counsel for the Applicant as well as the respondents. Both the counsel agreed for allowing the transfer Applications in A.Nos.1266, 1272 and 1276 of 2022.



A.Nos.1262 to 1277 of 2022
in C.S.No.336 of 2020

WEB COPY

6. Therefore, the Applications in A.Nos.1266, 1272 and 1276 of 2022 are allowed as prayed for.

7. So far as the subject matter in O.S.No.7781 of 2010, which is the subject matter in A.No.1270 of 2022 and O.S.No.8488 of 2019, which is the subject matter in A.No.1262 of 2022 and O.S.No.8906 of 2019, which is the subject matter of A.No.1268 of 2022 are concerned, the subject matter of properties in those suits are not at all part of any of the schedule in the present suit, which fact is also admitted by the Applicant/plaintiff.

8. However, the Applicant has filed those Applications for transfer of the suits, since the parties involved are one and the same.

9. This Court is not inclined to accept the same. Merely because the parties are one and the same, those suits cannot be clubbed with the present partition suit. Therefore, this Court is not inclined to allow the transfer Application.Nos.1270, 1262 and 1268 of 2022. Accordingly, those Applications are dismissed.



A.Nos.1262 to 1277 of 2022
in C.S.No.336 of 2020

WEB COPY

10.As far as A.No.1274 of 2022 and A.No.1264 of 2022 pertaining to the transfer of O.S.No.5986 of 2012 and O.S.No.7775 of 2019 are concerned, the learned counsel for the respondents 1 to 3 and 8 contended that the suit in O.S.No.5986 of 2012 was filed by the respondent for mandatory injunction directing the defendants to furnish statement of account of Blue Star International Hotel and other relief and that the suit in O.S.No.7775 of 2019 was filed by the respondent for injunction in respect of fixed deposits held by late. P.M.Maruthai Chetiar in various banks. He further added that he has filed necessary Applications to withdraw those two suits before the City Civil Court.

11.However, the learned counsel for the Applicant submitted that the subject matter in those two suits is included in the present suit as one of the schedule. Therefore, the withdrawal of those two suits cannot be permitted and that the same has to be clubbed with the present suit.

12.This Court is not inclined to accept the same. Of course, the subject matter in O.S.No.5986 of 2012 and O.S.No.7775 of 2019 are also



A.Nos.1262 to 1277 of 2022
in C.S.No.336 of 2020

the subject matter in the present suit. However, the plaintiff in those two suits has not shown any interest to contest the suit and there is no necessity for transferring the suit. Anyhow, even if the plaintiff has withdrawn the suit, the subject matter can be decided in the present suit. Therefore, this Court is not inclined to allow those Applications.

13. Accordingly, A.No.1264 of 2022 and A.No.1274 of 2022 are dismissed.

14. In conclusion, A.Nos.1266, 1272 and 1276 of 2022 are allowed, the Applications in A.Nos.1262, 1264, 1268, 1270 and 1274 are dismissed and the Applications in A.Nos.1263, 1265, 1267, 1269, 1271, 1273, 1275 & 1277 of 2022 are closed.

15. Post the matter on 27.07.2022.

28.06.2022

Tsg



WEB COPY



A.Nos.1262 to 1277 of 2022
in C.S.No.336 of 2020

KRISHNAN RAMASAMY.J.

Tsg

A.Nos.1262 to 1277 of 2022
in C.S.No.336 of 2020

28.06.2022