



A.No.2744 of 2021

in

C.S.No.139 of 2021

P.VELMURUGAN.,J

This Application has been filed to withdraw O.S.No.8546 of 2019, which is pending on the file of the XV Additional City Civil Court, Chennai and to transfer the same to the file of this Court to try along with C.S.No.139 of 2021.

2. In both the suits, the parties are same. The plaintiffs in O.S.No.8546 of 2019 are the defendants in C.S.No.139 of 2021 and the defendant in O.S.No.8546 of 2019 is the plaintiff in C.S.No.139 of 2021. Both the suits are arising out of an agreement dated 14th November 2016. The present suit in C.S.No.139 of 2021 has been filed towards damages for breach of agreement. The suit in O.S.No.8546 of 2019 before the XV Additional City Civil Court is only for recovery of advance sale consideration.

3. Since both the suits arise out of the breach of the same agreement and in both the suits parties are also same, in order to avoid conflict of decisions, and in the interest of justice, this Court is inclined to allow this application. Accordingly, this application is allowed.



4. The Suit in O.S.No.8546 of 2019 on the file of the XV Additional City Civil Court, Chennai is hereby withdrawn and the same shall stand transferred to the file of this Court, to be tried along with C.S.No.139 of 2021, which is pending before this Court.

5. The XV Additional City Civil Court, Chennai is directed to send all the papers with regard to O.S.No.8546 of 2019 to the Registry of this Court within a week from the date of receipt of copy of this order. After receiving papers from the Court and after verification, the Registry is directed to re-number it, if it is otherwise in order and list the same along with the present suit in C.S.No.139 of 2021.

01.03.2022

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