



A.No.3738 of 2022
in
C.S.No.377 of 2021

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C.V.KARTHIKEYAN, J.

C.S.No.377 of 2021 had been filed seeking declaration that an Agreement of Sale, dated 05.09.2014, registered as Document No.2297/2014 in the Office of the Sub Registrar, Adyar, Chennai, is null and void.

2. Seeking specific performance of the very same Agreement of Sale, O.S.No.2384 of 2020 had been filed and is now pending on the file of the IV Additional City Civil Court, Chennai.

3. The only issue before both the Courts with respect to the same Agreement of Sale, dated 05.09.2014 which is registered as Document No.2297/2014.

4. The issue before this Court in C.S.No.377 of 2021 is whether the Agreement of Sale is null and void.

5. The issue before the IV Additional City Civil Court, Chennai in O.S.No.2384 of 2020 is whether the Agreement of Sale is enforceable.

6. The witnesses to speak on this particular aspect will be the same namely the parties who had signed the agreement and probably the witnesses for the execution of the agreement.



7. The document which has to be examined and determined whether it is enforceable or not enforceable is the same document namely the Agreement of Sale, dated 05.09.2014, which is registered as Doc.No.2297/2014/Sub Registrar Office, Adyar, Chennai.

8. The parties are the same. The issues overlap. The documents to be examined are the same. The evidence naturally overlap.

9. It would only be appropriate that one particular Court examines the issues since there must be avoidance of conflicting orders passed by the two separate Courts.

10. The learned counsel stated that a counter is ready but has not filed before the registry.

11. I am confident, that the above reasons given in the order, that since only one document has to be considered, namely the Agreement of sale which is the subject matter of both the Civil Suit pending before this Court and the Original Suit pending before the IV Additional City Civil Court, Chennai, viewed from any angle, O.S.No.2384 of 2020 has to be transferred to the file of this Court.

12. Orders are passed.

13. Application No.3738 of 2022 is allowed.



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14. Registry is directed to forward the copy of this Order to the IV Additional City Civil Court, Chennai and the Registrar, City Civil Court, Chennai is directed to transfer the Original Suit in O.S.No.2384 of 2020 to this Court. On it being transferred, the Registry in the High Court may re-assign the number and list it along with the present suit in C.S.No.377 of 2021.

28.09.2022

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