



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2022

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR.CMP.NO.735 OF 2021

AND

C.M.P.NO.17820 OF 2021

Mr.D.Rajendiran

... Petitioner/Defendant

.Vs.

1. Mr.P.S.Vairakkannu Achari

... Respondent/Plaintiff

2. Mr.S.V.Arul

3. Mr.V.Sundaramurthy

... Respondents

PRAYER:-

Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the suit with O.S.No.106 of 2020 on the file of the Special Court SC/ST (POA) Act, at Cuddalore and transfer the same to the file of Principal District Judge, Cuddalore for the purpose of joint trial along with suit with O.S.No.229 of 2019 on the file of Principal District Judge Cuddalore, by the Learned Principal District Judge, Cuddalore.

For Petitioner : Mr.P.B.Sampath Kumar

For Respondent : Mr.K.Moorthy [R1]

Mr.Venkat Krishnan [R2]

Mr.Mathivanan [R3]

ORDER

The defendant in the suit O.S.No.106 of 2020, has filed the above Transfer Civil Miscellaneous Petition to transfer the suit O.S.No.106 of 2020, pending originally on the file of the learned Principal District Judge, Cuddalore and later transfer to the file of the Learned Special Court of SC/ST (POA) Act



(Prevention of Atrocities Act), at Cuddalore, and transfer it to the file of the learned Principal District Judge, Cuddalore, to be tried along with O.S.No.229 of 2019.

WEB COPY

2. The suit O.S.No.106 of 2020 is filed by the 1<sup>st</sup> respondent herein against the petitioner for a declaration of his title to the suit property and to direct the petitioner herein to surrender possession in respect of the suit property which were six in number. The suit O.S.No.229 of 2019 is filed by the petitioner herein against the respondent herein for a declaration and injunction and also for a direction to the Sub-Registrar, Kurinjipaddi, to cancel the sale deeds dated 02.07.2013, registered as document numbers 1215 & 1216 of 2013 filed in his office as null and void.

3. The learned counsel appearing would submit that the subject matter, issues and evidence are similar in both the suits and therefore there must be a joint trial so as to, avoid conflicting judgments. The counsels would fairly concede that there are only a few matters pending before the Special Court of SC/ST Act (Prevention of Atrocities Act), at Cuddalore, and therefore, though the transfer is sought for transferring the suit pending before that Court to the Principal District Court, Cuddalore, the suit O.S.No.229 of 2019, which is now pending before the Learned I Additional District Judge, Cuddalore, can be transferred to the file of the Special Court of SC/ST Act (Prevention of Atrocities Act), at Cuddalore, and to be tried along with O.S.No.106 of 2020.

4. Mr.Mathivanan, appearing for the 3<sup>rd</sup> respondent would submit that the proceedings before the Special Court is at the stage of Cross-examination of P.W.1 and the matter was posted on 23.02.2022. However, the suit in O.S.No.229 of 2019 is pending at the stage of trial, where recording of evidence is yet to open. However, the learned counsel would submit that since the issues to be considered are same in both the suits, the joint trial of both the suits can be ordered and the proceedings can commence from the stage of the cross-examination of P.W.1.

5. In the result, the Transfer Civil Miscellaneous Petition is disposed of withdrawing the suit O.S.No.229 of 2019 now pending on the file of the I Additional District Judge, Cuddalore, to the file of the Special Court of SC/ST Act (Prevention of Atrocities Act), at Cuddalore, to be jointly tried along with O.S.No.106 of 2020. After the records from the learned I Additional District Judge, Cuddalore, is received by



the Special Court, the learned Judge shall proceed with the trial from the stage of Cross-examination of P.W.1. The suit shall be disposed of on or before 31.07.2022. No costs. Consequently, connected Miscellaneous Petition is closed.

WEB COPY

Sd/-  
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

shr

To

1. The Special Court SC/St (POA) Act,  
Cuddalore.
2. The Principal District Judge,  
Cuddalore.
3. The I Additional District Judge,  
Cuddalore.

+1cc to Mr.P.B.Sampath Kumar, Advocate, S.R.No.8812  
+1cc to Mr.K.Moorthy, Advocate, S.R.No.8617

TR.CMP.NO.735 OF 2021 AND  
C.M.P.NO.17820 OF 2021

PL(CO)  
PBS/28/02/2022