



Tr.C.M.P.Nos.972 & 974 of 2021 and
Tr.C.M.P.No.538 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.12.2022

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Tr.C.M.P.Nos.972 & 974 of 2021 and Tr.C.M.P.No.538 of 2022
C.M.P.Nos.21599 of 2021 and 21607 of 2021 in
Tr.C.M.P.Nos.972 and 974 of 2021

Arulmigusagayamary Madha Church
at Panruti

rep. By its Property Administrator,
Diocese of Chengalpet of Roman
Catholic Churches

Chengalpat. ... Petitioner in Tr.C.M.P.No.972 &
974 of 2021

M/s Diocese of Chengalpattu of Roman
Catholic Churches

Property Administrator,
Bishop House, Thimmavaram
Chengalpattu

... Petitioner in Tr.C.M.P.No.538 of 2021

Vs.

1. M.Christuvaraj @ Krishnamurthy
2. G.Nataraj Xavier @ Natarajan
3. G.Sampath @ Amaladoss
4. E.Martin Susairaj
5. E.Martin Arulraj
6. E.Martin Thomas Raj
7. C.Anand
9. E.Jemma



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10. M.Vasanthakumari

11. M.Sheeba

12. M.Marysherly

13. E.Mary

14. M.Elias

... Respondents in Tr.C.M.P.No.972 of 2021

M.Elias

... Respondent in Tr.C.M.P.No.974 of 2021

1. E.Martin Susairaj

2. E.Martin Arulraj

3. E.Martin Thomas Raj

4. C.Anand

5. A.Adaikalamary

6. E.Jemma

7. M.Vasanthakumari

8. M.Sheeba

9. M.Mary sherly

10. E.Mary

11. T.Kuberan

12. M.Elias

...Respondents in Tr.C.M.P.No.538 of 2022

Transfer Civil Miscellaneous Petitions are filed under Section 24 of C.P.C., to withdraw O.S.No.381 of 2015; O.S.No.258 of 2013 and O.S.No.151 of 2015 from the file of District Munsif Court at Sriperumpudur and Principal Sub Court at Chengalpet and transfer the same to Sub Court, Kancheepuram be tried along with O.S.No.43 of 2017 pending on the file of Sub Court, Kancheepuram respectively.

For Petitioners

: Ms.C.Selvi George



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For Respondents : Mr.B.Narayanan

COMMON ORDER

Since the issues involved in all the petitions are one and same, they are taken up together and a common order is being passed.

2. The brief facts of the case is that the petitioners-Church, have purchased the subject mentioned property from and out of the funds contributed by Diocese of Chengaput for the purpose of establishment of the petitioners-church through a registered sale deed. While so, an assistant, viz., M.Elias, was appointed to help the then Parish Priest and he was paid monthly salary and requested to permit him to have a small petty shop in the suit property for his livelihood in 2 cents of land. Out of sympathy, it was agreed and thereafter, the said respondent started to behave in an indifferent manner and indulged to have wordy quarrel and refused to vacate, also attempt to trespass in the larger extent. Hence the petitioner-church filed a suit in O.S.No.258 of 2013 on the file of District Munsif Court, Sriperumpudur for an injunction and the said respondent was



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set exparte and an application was filed by him to set aside the same, in which, it was contended that he had purchased an extent of 80 cents of land. In the meanwhile, since the respondents have started to prevent the church members from gathering and worshipping at the suit property, the respondents 1 to 3 in Tr.C.M.P.No.972 of 2021, who are devotees and members of the church filed a suit in O.S.No. 381 of 2015. On coming to know about the fraudulent transaction, the petitioners have filed a suit in O.S.No.43 of 2017 before the Sub Court, Kancheepuram for the relief of declaration and consequential injunction. In the meanwhile, the set aside application came up before this Court in C.R.P.No.5010 of 2015 to condone the delay in filing the set aside petition by order dated 02.03.2015 and the same is now restored to file. Hence this petitions are filed to withdraw and transfer the suits to the Sub Court, Kancheepuram to be tried along with O.S.No.43 of 2017 pending on the file of Sub Court, Kancheepuram.

3. The learned counsel for the petitioners would submit that the suits are pending for trial and the respondents have started to prevent the church members from gathering and worshipping at the suit property. The subject property and the substantial issue involved in the said suits are one and the



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same, hence pleaded to allow the present petitions.

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4. When the petitions are taken up for hearing, the learned counsel for the respondents fairly submitted that the respondents have no objection for allowing the present petitions.

5. Considering the fact that the subject property involved in the suits, viz., O.S.No.381 of 2015, O.S.No.151 of 2015, O.S.No.258 of 2013 and O.S.No.43 of 2017 are one and the same, in order to prevent conflicting judgment, in the interest of the parties and considering further fact that there is no objection on the side of the respondents, this Court inclined to allow the present petitions.

6. Accordingly, O.S.No.381 of 2015 and O.S.No.258 of 2013 are ordered to be withdrawn from the file of District Munsif Court, Sriperumpudur and O.S.No.151 of 2015 is also ordered to be withdrawn from the file of Principal Sub Court, Chengalpat and the said suits are hereby transferred to the Sub Court, Kancheepuram to be tried along with



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O.S.No.43 of 2017.

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7. In the result, the present Transfer Civil Miscellaneous Petitions are allowed. Since the suits are of the year 2013, 2015 and 2017 respectively, the parties are directed to co-operate with the trial and refrain themselves from taking unnecessary adjournments during examination of witnesses. The learned Sub Judge, Kancheepuram is hereby directed to conduct simultaneous trial in the pending suits and complete the same as expeditiously as possible. Consequently, connected miscellaneous petitions are closed. No costs.

19.12.2022

Index : Yes/No
Internet : Yes/No
Speaking /Non-Speaking Order
ssd

To

1. The Additional District Court,
Hosur
2. The Additional District Judge,
Krishnagiri.

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V.BHAVANI SUBBAROYAN, J.,

ssd

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