



WEB COPY



A.No.2996 of 2023

A.No.2996 of 2023
in
C.S.No.273 of 2022

Reserved on 16.06.2023	Delivered on 26.06.2023
-----------------------------------	------------------------------------

K.KUMARESH BABU,J.

Heard Mr.P.Anandan, learned counsel appearing for the applicant and Mr.R.Ravi, learned Senior counsel appearing for M/s.Rugan & Arya for the respondents 1 & 2.

2. The application for impleading has been taken out by third parties claiming that the dispute between the applicant and the plaintiff in the suit in respect of the plaint schedule properties are pending before the city civil Court in O.S.No.13660 of 2010. This fact is not disputed by learned counsel appearing on behalf of the plaintiff in the suit. However he would contend that as regards the suit, the applicants would not be a necessary party. He would submit that the present suit is for an injunction restraining third party and some unknown person from interfering with the possession and enjoyment of the respondent/plaintiff. At this juncture he also made a suggestion to



A.No.2996 of 2023

WEB COPY

withdraw and transfer the suit pending before the city civil Court to the file of this court to be jointly tried with the present suit. The learned counsel of the applicant would also have no objection in withdrawing and transferring the suit on the file of this court.

3. It is pertinent to see that there are two appeal suits arising out of a land acquisition proceedings relating to the entitlement for receiving the compensation. The learned counsel also agreed for withdrawing and transferring the said appeal suits, as the result in the present suit will have a direct impact in the appeal suits and that the arguments to be made would also be similar. In fact the plaintiff in the suit had moved this court seeking to transfer the suit pending before the city civil Court prior to filing of the present suit. The said transfer application had been disposed of on a submission made by learned counsel for the plaintiff and a direction was issued by this court to dispose of the suit on or before 30-06-2022.

4. Considering the submissions made by the respective counsels and also on going through the plaint in this suit as well as the suit before



A.No.2996 of 2023

WEB COPY

the city civil, I find that the request made by learned counsels requires to be considered.

5. In fine, invoking the powers vested with this Court under clause 13 of the Letters Patent this Court directs the withdrawal of the suit in O.S.No.13660 of 2010 and A.S.Nos.70 & 72 of 1997 on file of the XIX Additional Judge, City Civil Court and transfer the same to the file of this Court to be tried along with C.S.No. 273 of 2022.

6. In view of the aforesaid direction, the apprehension of the applicants have been redressed. In such position, the present application is closed. However there shall be no order as to costs.

26.06.2023

pbn

Index :Yes/No

Internet:Yes/No



WEB COPY



A.No.2996 of 2023

K.KUMARESH BABU.,J

pbn

Pre-delivery Judgment in

A.No.2996 of 2023

in

C.S.No.273 of 2022

26.06.2023