



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 06.10.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Tr.C.M.P.No.763 of 2023

and

C.M.P.No.18581 of 2023

1. Moses Dhanraj

2. Pearline Sheeba

... Petitioners

Vs.

1. Amaravathi Finance and Investments
Rep. by its Proprietor,
Mr.Radhakrishnan,
S/o.K.K.Raman,
No.30, Kutchery Road,
Mylapore, Chennai - 600 004.

2. Arjun Amaravathi Chits (P) Ltd.,
Rep. by its Managing Directorm
Mr.Kunhi Ramakurup Radhakrishnan,
No.30, Kutchery Road,
Mylapore, Chennai - 600 004.

3. Mr.Kunhi Ramakurup Radhakrishnan,
S/o.Mr.Kunhi Ramakurup
Managing Director,
M/s.Arjun Amaravathi Chits (P) Ltd.,
No.30, Kutchery Road,
Mylapore, Chennai - 600 004.



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4. Kuniyil Padmanaban,
Director,
M/s.Arjun Amaravathi Chits (P) Ltd.,
No.30, Kurchery Road,
Mylapore, Chennai - 600 004.

5. Radhakrishnan Pradeesh

... Respondents

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., praying to withdraw the suit in O.S.No.99 of 2023 on the file of the learned Additional District and Sessions Court, Poonamallee - III and transferred the same to the learned I Additional District Judge, City Civil Court, Chennai and tried along with O.S.No.1612 of 2019.

For Petitioner	: Mr.R.Raman Laal
For Respondent	: Mr.B.Dinesh Kumar, R1 to R5.

ORDER

The petitioner seeks transfer of O.S.No.99 of 2023 pending on the file of the III Additional District and Sessions Court, Poonamallee to the file of the I Additional District Court, City Civil Court, Chennai.

2. It is the case of the petitioners that there were chit transactions between the petitioners and the respondents, in which the petitioners had



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given blank signed papers as security for the amount released towards chits and that the respondents are due and liable to pay a sum of Rs.61,37,000/- to the petitioners. However, suppressing the same, the respondents had filed O.S.No.1612 of 2019 on the file of the I Additional City Civil Court, Chennai by utilizing blank papers given as security for the chit transaction between the parties. Therefore, the petitioners filed O.S.No.99 of 2023 on the file of the III Additional District and Sessions Court, Poonamallee-III for discharge of mortgage raised in connection with the chit transaction.

3. It is the case of the petitioners that both the suits in O.S.No.1612 of 2019 and O.S.No.99 of 2023 are interconnected, parties are one and the same and evidence will be common. Under this circumstances, if joint trial is not ordered, there will be conflicting decisions delivered by two different courts. Therefore, the petitioners had filed the present petition seeking the above said relief.

4. I have carefully considered the submissions on either side and also perused the available records.



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5. The chit transaction between the parties has not been disputed and there exists some business transaction in which monetary considerations have formed a large part. In discharging the said monetary considerations as well as mortgage of the properties, the dispute has arisen between the petitioners and the respondent, resulting in the institution of above suits. Plaintiff filed in both the suits reveals that the suits are by in large related to a composite transaction. It would be in the interest of an either side party to have both suits try at a single place, as otherwise conflicting decisions will be delivered, which will lead to multiple proceedings between the parties.

6. The learned counsel appearing for the respondent submitted that if both the suits are tried jointly, no conflicting decision will be delivered and that he vehemently objected for allowing the petition for transfer.

7. Considering the above submissions made by both sides and in view of the fact that evidence in both suits are common, in the interest of justice and convenience of parties, the suit in O.S.No.99 of 2023 on the file of the III Additional District and Sessions Court, Poonamallee is ordered to be



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withdrawn and transferred to the file of I Additional District Judge, City Civil Court, Chennai, to be tried along with O.S.No.1612 of 2019 pending on its file.

8. Accordingly, this transfer miscellaneous petition is allowed. No costs.

06.10.2023

Index : Yes / No
Neutral Citation: Yes / No
Speaking/Non-speaking order
kmm

To

1. The I Additional District Judge, City Civil Court, Chennai.
2. The III Additional District and Sessions Court, Poonamallee.



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T.V.THAMILSELVI, J.

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