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A.No.5254 of 2022

A.No.5254 of 2022
in C.S.No.40 of 2021

SENTHILKUMAR RAMAMOORTHY, J.

By this application, the plaintiffs seek transfer of O.S.No.5356 of 2021 from the file of the II Additional City Civil Court, Chennai to be tried by this Court along with C.S.No.40 of 2021.

2. In the affidavit in support of this application, it is stated that O.S.No.5356 of 2021, which is pending on the file of the II Additional City Civil Court, Chennai, was filed by the first defendant herein for recovery of a sum of Rs.59,50,000/- and, in default thereof, for sale of the mortgaged asset. It is stated that both suits are between the same parties and relate to the same property. The suit is pending before this Court is for a direction to the first defendant to render accounts in respect of amounts collected by way of loan, advance, and the like, and for injunctive relief with regard to the title deeds and rents relating to the property.

3. The defendants have filed a counter in which it is stated that the relief prayed for in the two suits are different. Learned counsel relied upon the said counter.



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4. Upon comparing the complaints and relief claimed in the two suits, it is evident that both suits relate to the same immovable property. Although the reliefs prayed for are different, it is likely that certain common issues will arise for consideration in these two suits and conflicting decisions may be avoided, if the two suits are heard by the same Court. Therefore, this application is liable to be allowed.

5. Hence, A.No.5254 of 2022 is allowed by withdrawing and transferring O.S.No.5356 of 2021 from the file of the II Additional City Civil Court, Chennai, to the file of this Court. The Registry is directed to re-number and the list the said suit along with C.S.No.40 of 2021 on 16.02.2023.

25.01.2023

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