



A.A.NAKKIRAN, J.

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This application has been filed by the applicant/1st defendant to transfer the suit O.S No.6807 of 2019 pending on the file of the I Additional City Civil Court to be tried and disposed along with the suit C.S No.832 of 2016 pending on the file of this Court.

2. The learned counsel for the applicant/1st defendant submitted that the 3rd defendant Ashok Kumar Maheswari has filed a suit in O.S No.6807 of 2019 against the applicant/1st defendant seeking the relief of specific performance and the same is pending before the I Additional City Civil Court, Chennai for arguments. The present suit is filed for recovery of money and the same is at the stage of continuation of cross examination of PW1. In respect of the same transaction, two suits are pending and also the parties are one and the same. He further submitted that if the two suits are disposed by two Courts, there is a possibility of conflicting judgment and resulting in multiplicity of proceedings and appeals. Hence, he prays to pass an order to transfer the suit O.S No.6807 of 2019 pending on the file of the I Additional City Civil Court to be tried and dispose along with the suit C.S No.832 of 2016 pending on the file of this Court.

3. The learned counsel for the respondents/defendants submitted that both the proceedings are distinct and different stages, since O.S No.6807 of 2019 is now posted for arguments and C.S No.832 of 2016 is in part heard stage of cross examination and hence, the above two suits cannot be tried together. Therefore, he strongly opposed to allow this application.



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4. On perusal of records would show that in both the suits, schedule of properties are one and the same. The 3rd defendant in the present suit has filed a suit against the 1st defendant in O.S No.6807 of 2019 before the I Additional City Civil Court, Chennai. In such circumstances, this Court is of the view that if the both suits are disposed by two different Courts, there is a possibility of conflicting judgment and resulting in multiplicity of proceedings and appeals and also in order to bring out the truth, both the suits are to be tried jointly and then only, the Court will come to a proper conclusion. Hence, in the interest of justice, this Court is inclined to allow this application.

5. Registry is directed to call for the records in O.S No.6807 of 2019 from the Court below and post on 04.12.2023.

08.11.2023

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A.No.5686 of 2023 in

C.S No.832 of 2016