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A.No.5556 of 2022

A.No.5556 of 2022
in C.S.No.243 of 2022

SENTHILKUMAR RAMAMOORTHY, J.

The first defendant herein filed O.S.No.2043 of 2020 against the second defendant herein before the City Civil Court. The plaintiff herein is not a party thereto. Subsequently, the present suit was filed by the plaintiff, who is the father of the defendants, seeking declaratory relief, partition and injunctive relief.

2. The parties agree that the suit pending before this Court is the comprehensive suit. Learned counsel for the first defendant points out that the suit before the City Civil Court is at the stage of cross examination of P.W.1. Therefore, she submits that the conclusion of the said suit may be protracted if the transfer application is allowed. Learned counsel for the second defendant submits that no prejudice would be caused if the suit is transferred to the file of this Court so as to enable all issues to be dealt with by one forum.



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3. It is evident that the suit before this Court is the comprehensive suit and if the two suits are adjudicated by two different Courts, the possibility of conflicting decisions cannot be ruled out. In these circumstances, this application is liable to be allowed. Accordingly, A.No.5556 of 2022 is allowed and it is directed that O.S.No.2043 of 2020, which is pending on the file of the XXIII Additional City Civil Court, Chennai, be transferred to the file of this Court to be tried along with C.S.No.243 of 2022. Upon receipt of papers from the City Civil Court, the Registry is directed to re-number the suit and list the said suit along with this suit on 02.02.2023.

05.01.2023

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