



WEB COPY



A.No.63 of 2023

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in C.S.No.356 of 2021

SENTHILKUMAR RAMAMOORTHY, J.

By order dated 23.03.2022, all the defendants were set *ex parte*. Thereafter, by order dated 26.10.2022, the *ex parte* decree issued on 15.09.2022 was set aside only as regards the first defendant. By this application, the plaintiff seeks the transfer of O.S.No.3935 of 2021, which is pending on the file of the XV Assistant Judge, City Civil Court, Chennai, to the file of this Court to be tried along with this suit.

2. In the affidavit in support of this application, it is stated that the first defendant filed O.S.No.3935 of 2021 before the XV Assistant Judge, City Civil Court, for an injunction to restrain the applicant / plaintiff herein from interfering with the peaceful possession and enjoyment of the suit schedule property. It is also stated that the suit before this Court is for recovery of possession of the same properties which form the subject of the suit before the City Civil Court. Hence, this application for transfer.



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3. Learned counsel for the first defendant submits, on instructions, that he has no objection to this application being allowed.

4. Upon examining the affidavit in support, it is evident that both suits deal with a common property. The suits are said to be at the pre-trial stage. In these circumstances, the application is liable to be allowed.

5. For reasons aforesaid, this application is allowed by directing that O.S.No.3935 of 2021 be withdrawn from the file of the XV Assistant City Civil Court, Chennai and transferred to this Court to be tried along with C.S.No.356 of 2021. The Registry is directed to re-number the suit upon receipt thereof from the City Civil Court and list the same along with this suit on 15.02.2023.

25.01.2023

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