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C.R.P.(PD).No.3688 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).No.3688 of 2015

and

M.P.No.1 of 2015 of 2021

Kalavathy Swaminathan (Died)

2.M.Swaminathan

3.S.Sriram

... Petitioners

*(Petitioners 2 and 3 brought on record as LR's of the deceased
Sole Petitioner viz., Kalavathy Swaminathan vide Court order
dated 22.06.2022 made in C.M.P.Nos.9510 and 9511 of 2022
in C.R.P.No.3688 of 2015)*

VS

1.M/s.Praneel Developers
Private Limited
Repd. By its Director N.Neelakandan
Son of Mr.Hariharamahadevan,
Having office at Plot No.6 and 7-A, Periyar Salai
Gnanamoorthy Nagar,
Ambattur, Chennai – 600 053.



C.R.P.(PD).No.3688 of 2015

2.S.S.V.K. Builders Private Limited
Repd., By its Director Rangappa Sekar
Son of T.K.Rangappa
Having Office at Plot No.5,
Rangappa Street,
Gnanmurthy Nagar,
Ambature, Chennai – 600 053.

3.Soundaravalli

4.C.M.Raju

5.Balaji Homes,
Partnership Company, having its office at No.54/02,
Devi Arcade, Sarangabani Street, Krishnapuram,
Ambattur, Chennai-600 053, Ambattur Taluk.

6.M/s.Murugan Homes,
Proprietorship Firm
Having its office at No.54/G2, Devi Arcade,
Sarangabani Street,
Krishnapuram, Ambattur,
Chennai – 600 053.
Ambattur Taluk.

7.M/s.Veyem Engineering Services,
Registered Partnership Firm
Having its Office at No.49, Sathsangam Street
Krishnapuram, Ambattur
Chennai – 600 053.
Ambattur Taluk.

8.M/s.Aarveem International
Partnership Firm
Having its office at No.23, and 23-A, Pulla Avenue,
Aminijikarai, Chennai – 600 029.



C.R.P.(PD).No.3688 of 2015

9.The Zonal Officer

Zone-7,

Corporation of Chennai

Having his office at

No.536, Madras Thiruvallur High Road

Opp. to Dunlop, Ambattur, Chennai-600 053.

Ambattur Taluk.

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to allow the C.R.P. and set aside the fair and decretal order dated 02.07.2015 passed in Transfer O.P.No.198 of 2014 by the Principal District Judge at Thiruvallur, seeking for transfer of the suit in O.S.No.446 of 2013 on the file of the District Munsif Court, Ambattur to the Additional District Judge No.II at Poonamallee for joint trial along with O.S.No.175 of 2014, pending on the file of the said Court.

For Petitioners : Mr.A.Palaniappan

For R3 : Mr.G.Prakash

For R9 : M/s.P.T.Ramadevi

For R1, R2 and
R4 to R8 : No Appearance



C.R.P.(PD).No.3688 of 2015

ORDER

WEB COPY The Civil Revision Petition is filed challenging the order passed by the Court below dismissing the application filed by the petitioner seeking transfer of O.S.No.446 of 2013 pending on the file of District Munsif Court, Ambattur to the file of Additional District Judge No.II, Poonamallee for trial along with O.S.No.175 of 2014 pending on its file.

2. The learned counsel for the petitioners submits that the deceased petitioner filed a suit for declaration of title and recovery of possession in O.S.No.175 of 2014 on the file of Additional District Judge No.II, Poonamallee against some private individuals. In respect of very same property, the deceased petitioner filed another suit for bare injunction against the Chennai Corporation in O.S.No.446 of 2013 on the file of District Munsif Court, Ambattur. It is the submission of the learned counsel that the suit property in both the suits are one and the same, any adverse orders passed against the petitioners in O.S.No.446 of 2013, it will affect her right in other suit filed by her in O.S.No.175 of 2014.



C.R.P.(PD).No.3688 of 2015

3. The first suit filed by the deceased petitioner in O.S.No.175 of 2014 is for declaration of title and recovery of possession in respect of the suit B and C schedule properties. The suit B and C schedule properties are part of suit A schedule property, which is larger extent. The suit filed for bare injunction against Chennai Corporation in respect of suit A schedule properties. The defendant in O.S.No.175 of 2014 are private individuals and the defendant in O.S.No.446 of 2013 is Chennai Corporation. The cause of action for O.S.No.175 of 2014 and O.S.No.446 of 2013 are also different.

4. When parties and cause of action are different, there is no necessity to club both the suits together and the Court below rightly dismissed the transfer application filed by the petitioner and consequently, I do not find any error in the order passed by the Court below.

5. Accordingly, the Civil Revision Petition stands dismissed. Having regard to the fact that the suit for declaration of title and recovery of possession filed by the deceased petitioner in O.S.No.175 of 2014, is of the year 2014, the Additional District Judge No.II, Poonamallee is directed to



C.R.P.(PD).No.3688 of 2015

dispose of the same as expeditiously as possible. No costs. Consequently, the

connected miscellaneous petition is closed.

31.01.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm



C.R.P.(PD).No.3688 of 2015

To

WEB COPY

1.The Principal District Judge,
Thiruvallur.

2.The District Munsif Court,
Ambattur.

3.The Additional District Judge No.II,
Poonamallee.

4.The Zonal Officer
Zone-7,
Corporation of Chennai
Having his office at
No.536, Madras Thiruvallur High Road
Opp. to Dunlop, Ambattur, Chennai-600 053.
Ambattur Taluk.



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C.R.P.(PD).No.3688 of 2015

S.SOUNTHAR, J.

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C.R.P.(PD).No.3688 of 2015

31.01.2024