



WEB COPY



Tr.C.M.P.No.310 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2024

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Tr.C.M.P.No.310 of 2022
and C.M.P.No.6303 of 2022

1.S.Venkatesh @ Adhiyaman

2.V.Krishna

...Petitioners

Vs

1.Kanakavalli

2.Dhanalakshmi

3.Ramabai

4.M.E.Govindarajan

5.M.E.Haridasan

6.The Sub-Registrar,
Selaiyur Sub-Registrar's Office
East Tambaram, Chennai – 59

7.The District Registrar,
South Chennai Registration District,
Having office at Saidapet,
Chennai

... Respondents

Page NO:1/5



Tr.C.M.P.No.310 of 2022

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the suit pending in O.S.No.61 of 2021 from the file of District Munsif Court at Tambaram and transfer the same to the file of Principal District Court Chengalpet and tried along with suit in O.S.No.327 of 2021 on the file of the Principal District Court at Chengalpet.

For Petitioner : Mr.T.N.Rajagopalan
For Respondents : No appearance for R1 to R4
R5-Died
Dr.S.Suriya for R6 and R7
Additional Government Pleader

ORDER

In order to withdraw the suit pending in O.S.No.61 of 2021 from the file of District Munsif Court at Tambaram and transfer the same to the file of Principal District Court Chengalpet and to be tried along with suit in O.S.No.327/2021 on the file of the Principal District Court at Chengalpet, the present Transfer Civil Miscellaneous Petition is filed.

2. O.S.No.61 of 2021 pending on the file of the District Munsif Court at Tambaram is in respect of the property comprised in S.No.278/1A, which is also the subject matter of suit in O.S.No.327 of 2021 and the same is pending on the file of the Principal District Court at Chengalpet.



Tr.C.M.P.No.310 of 2022

3. According to the learned counsel appearing for the petitioner, both the suits i.e., O.S.No.61 of 2021 and O.S.No.327 of 2021 pertain to the same suit property and hence, the suit in O.S.No.61 of 2021 pending on the file of District Munsif Court at Tambaram may be transferred to the file of the Principal District Court at Chengalpet to be tried along with suit in O.S.No.327 of 2021 for joint trial.

4. In a similar case of this nature filed before this Court in *Mrs.Meena Bai and others vs. Mrs.Sarojammal and others* in **Tr.C.M.P.No.246 of 2015** dated 21.07.2015, this Court by exercising suo moto power under Section 24(1)(a) of CPC held that a suit or proceeding may be transferred under Section 24 of CPC, to avoid conflicting decisions on administrative grounds.

5. That being so, when suit in O.S.No.61 of 2021 and O.S.No.327 of 2021 pertain to the same suit property and the subject matter in both the suits are one and the same, this Court deems it fit to withdraw the suit pending in O.S.No.61 of 2021 from the file of District Munsif Court at Tambaram and transfer to Principal District Court at Chengalpet to avoid conflicting decisions. Therefore, the learned District Munsif Court at



Tr.C.M.P.No.310 of 2022

Tambaram is directed to transmit the entire records pertaining to the suit in O.S.No.61 of 2021 to the transferee Court within a period of two(2) weeks from the date of receipt of a copy of this order.

6. Accordingly, the Transfer C.M.P stand allowed. No costs.

Consequently, connected Miscellaneous Petition is also closed.

27.02.2024

msv

To

- 1.The District Munsif Court, Tambaram
- 2.The Principal District Court, Chengalpet.



WEB COPY



Tr.C.M.P.No.310 of 2022

J.NISHA BANU,J.

msv

Tr.C.M.P.No.310 of 2022
and C.M.P.No.6303 of 2022

27.02.2024

Page NO:5/5