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Tr.C.M.P.No.389 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.389 of 2024 and
C.M.P.No.8234 of 2024

S.Amulraj

... Petitioner

Vs

1.M.Elias

2.Rev. Fr.A.Cyril Raj

... Respondents

Prayer : Petition filed under Section 24 of the Code of Civil Procedure praying to withdraw the O.S.No.154 of 2014 on the file of the Additional Subordinate Court, Kancheepuram to be tried along with O.S.No.43 of 2017 pending on the file of the Principal Subordinate Court, Kancheepuram.

For Petitioner : Mr.G.Selvi George

For Respondents : Mr.S.Balasubramaniam

ORDER

The petitioner seeks a direction to withdraw O.S.No.154 of 2014 pending on the file of the Additional Subordinate Court at Kancheepuram and transfer it to the file of the Principal Subordinate Court at Kancheepuram to be tried along with O.S.No.43 of 2017, O.S.Nos.191, 193 and 195 of 2023.



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2. O.S.No.43 of 2017 seeks for the relief of declaration that the sale deed executed in favour of the 1st respondent herein is null and void. The 1st respondent herein has filed O.S.No.154 of 2014 seeking for the relief of declaration of his title and for consequential relief of permanent injunction.

3. On an earlier occasion, the parties came before the Court by way of Tr.C.M.P.Nos.972 and 974 of 2021 and Tr.C.M.P.No.538 of 2022. At that time, this Court withdrew the proceedings on the file of the District Munsif Court at Sriperumpudur and Principal Sub Court at Chengalpat and transferred them to the file of the Court at Kancheepuram. Subsequently, the suits which had been numbered on the file of the aforesaid Courts were renumbered as O.S.Nos.191, 193 and 195 of 2023 and are now pending before the Principal Subordinate Court at Kancheepuram. If any decree is passed in any of the four suits independently, there is a possibility of conflict with the suit which is now pending on the file of the Additional Subordinate Court at Kancheepuram in O.S.No.154 of 2014.



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4. Both sides agree that the subject matter of the litigation in all the five suits is one and the same.

5. In order to avoid any conflict of judgments, I am inclined to withdraw O.S.No.154 of 2014 on the file of the Additional Subordinate Court at Kancheepuram and transfer the same to the file of the Principal Subordinate Judge at Kancheepuram to be heard and tried along with O.S.No.43 of 2017, O.S.Nos.191, 193 and 195 of 2023.

6. With the above observations, the Tr.C.M.P. stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

17.04.2024

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

Sgl

To

1.The Principal Subordinate Court
Kancheepuram.

2.The Additional Subordinate Court,
Kancheepuram.

V. LAKSHMINARAYANAN, J.



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