



Tr.C.M.P. No. 690 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2024

CORAM

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P. No. 690 of 2024

and

C.M.P. No. 14859 of 2024

P.Rajesh Pandian

... Petitioner / Plaintiff

Vs.

1. Leelapappa

2. Murugesan

3. Sub Registrar (SRO)
Department of Registration
Virugambakkam
Chennai - 600092

... Respondents/Defendants

PRAYER: Transfer Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the suit in O.S. No. 189 of 2023 on the file of the learned Principal District Munsif at Poonamallee and transfer the same to the Court of the learned VII Additional City Civil Judge at Chennai for being tried along with O.S. No. 5593 of 2023.

For Petitioner : Mr. S.Sudarshan

For Respondents 1 & 2 : Mr. S.Sabarish



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For Respondent 3 : Mr. T.Arunkumar
Additional Government Pleader

ORDER

Heard Mr. S.Sudarshan for the transfer petitioner and Mr. S.Sabarish for the respondents 1 and 2.

2. There is no commonality of issues between O.S. No. 189 of 2023 on the file of the Principal District Munsif at Poonamallee and O.S. No. 5593 of 2023 on the file of the VII Additional City Civil Court at Chennai. The plaintiff is the same, but the defendants apart from the respondent, are different. The schedule of properties are also different.

3. In O.S. No. 189 of 2023, the plaintiff pleads that his power of attorney has been misused. In O.S. No. 5593 of 2023, he pleads that the settlement deed, which he has admittedly executed in favour of the respondent, is not binding on him and was executed by misrepresentation.

4. As there are no commonality in issues, I do not find this case deserving transfer. In fact, if both the suits were to be tried together it might embarrass the trial. Therefore, the transfer petition deserves to be dismissed.



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5. Accordingly, the transfer civil miscellaneous petition is dismissed.

No costs. Consequently, the connected miscellaneous petition is closed.

18.10.2024

Index : Yes / No

Speaking order : Yes / No

NCC : Yes / No

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To

1. The Principal District Munsif at Poonamallee.

2. The VII Additional City Civil Court at Chennai.



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V.LAKSHMINARAYANAN, J.,

pal

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