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A.No.3532 of 2024 in
C.S.No.50 of 2024

C.V.KARTHIKEYAN, J.

This application has been filed to withdraw the suit in O.S.No.6481 of 2022 on the file of XV Assistant Judge, City Civil Court at Chennai to be jointly tried along with C.S.No.50 of 2024.

2. C.S.No.50 of 2024 has been instituted by the plaintiff herein seeking partition of the suit property into two equal shares and allot one share to the plaintiff and for the costs of the suit. The defendant in the present suit had also filed O.S.No.6481 of 2022 which is now pending before XV Assistant City Civil Court, Chennai. The relief sought therein is against the plaintiff herein to declare a settlement deed said to have been executed in favour of the plaintiff herein / first defendant therein as null and void to the extent of 1/2 share in the terrace and staircase of the schedule property.

3. Naturally, the issues are interlinked with each other. The usage of staircase and terrace cannot be separated from division of the property into two equal parts as sought by the plaintiff in the present suit. Taking that factor into consideration, since the parties are same and they are suing both the suits in the same capacity and the schedule property is also the same, it is only appropriate that O.S.No.6481 of 2022 is withdrawn from the file of XV Assistant City Civil Court, Chennai and transferred to the file of this Court. Hence, this application stands allowed.



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4. The Registry to take necessary steps to withdraw O.S.No.6481 of 2022 from the file of XV Assistant City Civil Court, Chennai and transfer the same to the file of this Court and re-number the same. The Registry may also mark a copy of this order to the Registrar of the City Civil Court, Chennai to comply with the directions after proper indexing and to complete the said process on or before 06.08.2024.

16.07.2024

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