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A.No.5138 of 2024
in
C.S.No.139 of 2024

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Dr. G. JAYACHANDRAN,J.

This application is filed to transfer the suit in O.S.No.2201 of 2020 on the file of the XXI Additional Judge, City Civil Court at Chennai to this Hon'ble Court to be tried along with the C.S.No.139 of 2024.

2.The suit was initially filed before the Original Side of Madras High Court and numbered as C.S.No.377 of 2016. Later, it was transferred to the City Civil Court for want of pecuniary jurisdiction. The suit in C.S.No.139 of 2024, which is pending before this Court is for partition by metes and bounds. Whereas the earlier suit in C.S.No.377 of 2016 is in respect of the injunction. The parties in both the suits are one and the same and the property involved in both the suits is also one and the same. The reason for two suits appears to be that, as per the compromise decree entered between the parties in C.S.No.270 of 2013 in respect of the building, which is the subject matter of the suits, parties have agreed to enjoy specific portion of the building exclusively.



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However, after some time, it appears that the peaceful enjoyment of the plaintiff/applicant been disturbed which has given cause of action to the injunction suit in C.S.No.377 of 2016. Later alleging that co-existence and joint enjoyment of the building is not possible, later suit in C.S.No.139 of 2024 is filed for division by metes and bounds.

3. Though the earlier suit is in the stage of recording evidence, for avoiding multiplicity of proceedings, it is appropriate to transfer the suit in O.S.No.2201 of 2020 on the file of the XXI Additional City Civil Court, Chennai, to the Original Side of Madras High Court to be tried along with C.S.No.139 of 2024. Accordingly, this application is allowed. No costs.

20.11.2024

Index:yes/no
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