



WEB COPY



Tr.C.M.P.Nos.399 and 403 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.Nos.399 and 403 of 2024 and  
C.M.P.Nos.8384 and 8456 of 2024

**Tr.CMP.No.399 of 2024:**

1.Mahin Abubakar  
2.Mohammed Salahudeen ... Petitioners

Vs

1.K.Ahamad Safi  
2.Peer Mohammed Adam  
3.Malaiyappan ... Respondents

Prayer : Petition filed under Section 24 of the Code of Civil Procedure praying to withdraw and transfer the suits O.S.No.417 of 2022 pending on the file of I Additional District Court, Tirunelveli to the VI Assistant Judge, City Civil Court, Chennai and tried along with the suit in O.S.No.1904 of 2023 pending on the file of VI Assistant Judge, City Civil Court, Chennai.

**Tr.CMP.No.403 of 2024:**

1.Mahin Abubakar  
2.Sufaihal ... Petitioners

Vs

K.Ahamad Safi ... Respondent

Prayer : Petition filed under Section 24 of the Code of Civil Procedure praying to withdraw and transfer the suit in O.S.No.48 of 2023 on the file of I Additional District Court, Tirunelveli to the VI Assistant Judge, City



*Tr.C.M.P.Nos.399 and 403 of 2024*

Civil Court and tried along with the suit in O.S.No.1904 of 2023 pending on the file of VI Assistant Judge, City Civil Court, Chennai.

For Petitioners : Mr.A.D.Janarthanan (In both cases)

### **COMMON ORDER**

O.S.No.417 of 2022 and O.S.No.48 of 2023 are suits for recovery of money. O.S.No.1904 of 2023 pending on the file of the City Civil Court at Madras is a suit for bare injunction restraining the defendants, their men and agents or any other persons claiming, threatening or making phone calls or in person disturbing, interfering the peaceful life of plaintiffs without following due process of law.

2. There is no commonality of issues between the suit for recovery of money and the suit filed for permanent injunction.

3. The plea of the learned counsel for the petitioners is that the amounts were deposited with the Company situated in Chennai, whereas the suit for recovery of money has been filed as against individuals in Tirunelveli. Therefore, he would plead that both the suits should be tried together.



*Tr.C.M.P.Nos.399 and 403 of 2024*

WEB COPY

4. This is a defence that has to be taken in the money suit and it cannot be an excuse for clubbing both the matters for the sake of trial. As already pointed out, there is no commonality of issues between the two suits. In fact, the respondents have initiated the suit for recovery of money before the suit for injunction was filed before the City Civil Court at Madras. The suit in City Civil Court, Madras is only a counter blast. It seeks that the defendants may not threaten the plaintiffs for recovery of money without due process of law. When the respondents have initiated O.S.No.48 of 2023 and O.S.No.417 of 2022 on the file of the District Munsif Judge at Thiruneveli, they have made it clear that they are only following the due process of law and are not trying to extract the money from the petitioners through third degree methods.

5. In the light of the above discussions, I do not find any merits in the Transfer CMPs and they are dismissed. No costs. Consequently, connected miscellaneous petitions are dismissed.

12.04.2024

Index : Yes/No

Neutral Citation : Yes/No

Sgl



WEB COPY



*Tr.C.M.P.Nos.399 and 403 of 2024*

V. LAKSHMINARAYANAN, J.

Sgl

To

- 1.The VI Assistant Judge,  
City Civil Court, Chennai.
- 2.I Additional District Court,  
Tirunelveli.

Tr.C.M.P.Nos.399 and 403 of 2024

12.04.2024