



Tr.C.M.P.No.936 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :10.07.2025

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CORAM:

THE HON'BLE MR. JUSTICE P.B. BALAJI

Tr.C.M.P.No.936 of 2024 and CMP No.20419 of 2024

Mrs.Usha

... Petitioner

VS

1.P.Abhishek
2.Smt.M.Vigiya
3.P.Dhivyalakshmi
4.Mrs.Komathi Priya
5.The Sub Registrar,
Ambattur, Chennai

.. Respondents

Petition filed under Section 24 of Civil Procedure Code to withdraw O.S.No.556 of 2021 pending on the file of IV Additional District Court, Ponneri and transfer the same to III Additional District Court, Poonamallee and conduct a joint trial with O.S.No.366 of 2022.

For Petitioner : Mrs.C.Shankary
For M/s Nathan and Associates

For Respondents : Mr.V.Ramesh
Govt.Advocate
For R.5

ORDER



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The 2nd defendant in O.S.No.556 of 2021 has come forward with this transfer petition to withdraw O.S.No.556 of 2021 pending on the file of IV Additional District Court, Ponneri and transfer the same to III Additional District Court, Poonamallee where connected suit in O.S.No.366 of 2022 is pending and the petitioner seeks joint trial.

2. Learned counsel for the petitioner states that though O.S.No.556 of 2021 is the earlier suit, the relief is only for partition, whereas, the suit in O.S.No.366 of 2022, pending on the file of III Additional District Court, Poonamallee, a larger and substantive relief of declaration has also been sought for. Learned counsel for the petitioner further submits that trial is yet to commence in both the suits and in order to avoid multiplicity of proceedings and conflicting decisions, the petitioner has come forward with the transfer request.

3. Though the respondents have been served, there is no opposition to the said transfer request.

4. Considering the fact that the parties involve in both the suits and the issues are also overlapping, I am inclined to accept the transfer request made by



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the petitioner, who is the second defendant in O.S.No.556 of 2021.

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5. Accordingly, Tr.C.M.P.No.936 of 2024 is allowed and the proceedings in O.S.No.556 of 2021 pending on the file of IV Additional District Court, Ponneri is withdrawn and the same is transferred to III Additional District Court, Poonamallee for joint trial with O.S.NO.366 of 2022.

6. The IV Additional District Court, Ponneri is directed to send the entire records relating to O.S.No.556 of 2021 to III Additional District Court, Poonamallee forthwith.

No costs. Consequently, connected miscellaneous petition is closed.

10.07.2025

Index: Yes/No

Website:yes/no

Speaking Order/Non-speaking Order

sr

To

1. The IV Additional District Court, Ponndri
2. The III Additional District Court, Poonamallee



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P.B.BALAJI.,J.

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