



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2025

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

TR CMP No. 1009 of 2025

and C.M.P.No.22618 of 2025

S. Alim

S/o. Sulaiman Basha, D.No.19/1, Salma Nagar,
Station Road, Iyyampettai, Papanasam Taluka,
Thanjavur District.

..Petitioner

Vs

S.Kanaga

W/o. Sankaran, No.49/93, CNK Road, Triplicane,
Chennai 600 005.

..Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, praying to withdraw O.S.No.6080 of 2024 pending on the file of the III Additional City Civil Court at Chennai to the file of the II Additional District Court, Thanjavur and tried jointly along with O.S.No.229 of 2025 on the file of the II Additional District Court, Thanjavur.

For Petitioner: Mr. T.Ananthasekar

For Respondent: Mr. P.Venkatesan

**ORDER**

The Transfer Civil Miscellaneous Petition is filed seeking transfer of O.S.No.6080 of 2024 pending on the file of the III Additional City Civil Court, Chennai to the file of the II Additional District Court, Thanjavur for joint trial along with O.S.No.229 of 2025 pending on its file.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. It is an admitted fact that the petitioner originally owned immovable property at D.No.49/93, CNK Road, Triplicane, Chennai 600 005. The petitioner executed a sale deed in respect of the said property in favour of the respondent on 05.07.2023. As per the registered sale deed, the sale consideration was mentioned as Rs.64,43,500/-. The respondent, through account pay cheques and bank transfer, paid a sum of Rs.97,79,060/- over and above the sale consideration mentioned in the sale deed. It was also stated by the respondent in the suit for recovery of money filed by him in O.S.No.6080 of 2024 on the file of the III Additional City Civil Court, Chennai, that apart from the above mentioned Rs.97,79,060/-, the petitioner received a sum of Rs.52,20,940/- by way of cash. Therefore, according to the respondent, the



petitioner received a sum of Rs.1,50,00,000/- from the respondent over and above the sale consideration mentioned in the sale deed. Therefore, the respondent filed the said suit for recovery of money.

4. The petitioner filed a suit for recovery of money in O.S.No.229 of 2025 on the file of the II Additional District Court, Thanjavur. According to him, the sale consideration was fixed as Rs.1,85,00,000/- and the cheque issued by the respondent for payment of Rs.40,00,000/- was bounced and therefore, the petitioner was constrained to initiate criminal proceedings. Parallely, the petitioner filed suit in O.S.No.229 of 2025 on the file of the II Additional District Court, Thanjavur seeking recovery of the amount covered by the cheque. The said suit is pending. It seems that these two suits are arising out of the same transaction namely, the sale of the property in Triplicane. Therefore, the petitioner herein filed the instant transfer petition for clubbing both the suits together for joint trial.

5. Learned counsel for the respondent would submit that the immovable property, which was subject matter of the same, lies at Chennai. Therefore, the suit filed by the petitioner may be transferred to the Court at Chennai for joint trial.



6. Admittedly, the money claim laid by both the parties are relating to sale of the property at Triplicane. When the transaction arising out of the immovable property is at Chennai, it is appropriate to transfer the suit filed by the petitioner at Thanjavur to Chennai. If both the suits were allowed to go for trial separately, there is a possibility of conflicting judgements by two different Courts. In order to avoid such eventuality, in the interest of justice, this Court is inclined to order joint trial of both the suits. Since the cause of action arising out of sale of the immovable property within the jurisdiction of the Court at Chennai, the suit filed by the petitioner in O.S.No.229 of 2025 on the file of the II Additional District Court, Thanjavur is ordered to be withdrawn and transferred to the file of the III Additional City Civil Court, Chennai for trial along with O.S.No.6080 of 2024 filed by the respondent.

7. Accordingly, this Transfer Civil Miscellaneous Petition is ordered. No costs. Consequently, the connected Miscellaneous Petition is closed.

27-10-2025

Index :Yes / No

Internet :Yes / No

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S.SOUNTCHAR, J.

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To

1. IIII Additional City Civil Court, Chennai.
2. II Additional District Court, Thanjavur.

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