



A Nos. 6325 & 6326 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2025

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THE HONOURABLE MR JUSTICE K.KUMARESH BABU

A Nos. 6325 & 6326 of 2024

in C.S.No.196 of 2022

P.Naveenkumar

S/o.Late P.Bose @ Purushothaman, No.16f, Sanjeevi Building,
Meenakshipuram, Thirunelvelijunction, Thirunelveli - 627001.

Applicant(s)

Vs

M.Anantharaj

S/o.Muthusamy Nadar, Plot No.15, 3rd Cross Street, Vijaya Nagar
Extension, Velachery, Allikulam- 600042. and 3 Others

Respondent(s)

For Applicant(s): Mr.T.R.Rajagopalan
Senior Counsel
for M/s.P.Veena Suresh
K.Aswini Devi

For Respondent(s): Mr.S.Vasudevan for RR1 & 2

ORDER

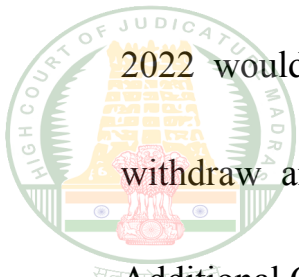
The A.No.6325 of 2024 has been filed to transfer the suit in O.S.No.7279 of 2022 pending on the file of XXI Additional City Civil Court, Allikulam, to be tried along with C.S.No.196 of 2022 before this Court.



2. The A.No.6326 of 2024 has been filed to stay all further proceedings in O.S.No.7279 of 2022 on the file of XXI Additional City Civil Court, Allikulam in the pending disposal of this Tr.Application.

3. Heard Mr.T.R.Rajagopalan, learned Senior Counsel for Ms.P.Veena Suresh, learned counsel appearing for the applicant and Mr.S.Vasudevan, learned counsel appearing on behalf of the respondents 1 & 2.

4.The learned Senior Counsel appearing for the applicant would submit that he had instituted the present suit seeking for a mandatory injunction against the first and second respondents herein along with the respondents three and four to remove the unauthorised and illegal construction in the suit schedule property and also for a permanent injunction restraining them from putting up any further construction. The learned Senior Counsel would submit that the respondents 1 & 2 had earlier filed a suit in C.S.No.166 of 2015 for various reliefs which came to be transferred and renumbered as O.S.No.7279 of 2022 and is now pending before the Additional City Civil Court – XXI, Allikulam and is being posted for trial. The suit properties in both the suit are one and same. The judgment and decree in O.S.No.7279 of



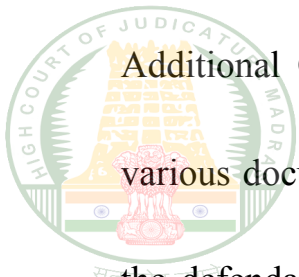
2022 would have a bearing in the present suit and hence, he would pray to withdraw and transfer the suit in O.S.No.7279 of 2022 pending on the file of the the Additional City Civil Court – XXI, Chennai, to be tried along with the present suit.

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5. Countering his arguments, Mr.S.Vasudevan, learned counsel for the respondents 1 & 2 would submit that the present application seeking to transfer is only ruse to protract the proceedings. He would submit that the suit there is also right for trial and therefore no prejudice would be caused to the applicant if the suit is tried by the said Court. The said suit was transferred only because of the pecuniary jurisdiction being altered. He would submit that if the suit is transferred to this Court, it would only delay the completion of the trial in the present suit and also in that suit. Therefore, he prays this Court to dismiss the present application.

6. I have considered the rival submissions made by the learned counsels appearing on either side and perused the materials available on record.

7. Admittedly, both the suit relates to the same property. The suit pending before the



Additional City Civil Court – XXI, Allikulam prayers are for seeking declaration of the various documents as being null and void and not binding on the plaintiffs therein, who are the defendants 1 & 2 in the instant suit. In the present suit, the prayer is for a mandatory

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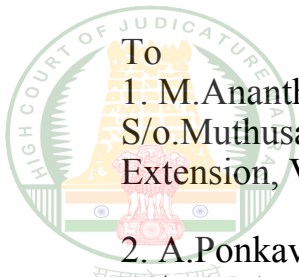
injunction to remove the construction put up by the defendants 1 & 2 who are the plaintiffs in the suit before the City Civil Court and also for a consequential permanent injunction restraining them from putting up any construction. In such view of the matter, this Court is of the view that both the suits should be simultaneously.

8. In such view of the matter, the application in A.No.6325 of 2024 is ordered as prayed for and the suit in O.S.No.7279 of 2022 pending on the file of the the Additional City Civil Court – XXI, Allikulam, is withdrawn and transferred to this Court to be tried along with the suit in C.S.No.196 of 2022. In view of the order passed in A.No.6325 of 2024, no further orders are required to be made in A.No.6326 of 2024.

9. Registry is directed to expedite the withdrawal and transfer.

25-03-2025

Gba



To

1. M.Anantharaj

S/o.Muthusamy Nadar, Plot No.15, 3rd Cross Street, Vijaya Nagar
Extension, Velachery, Allikulam- 600042.

2. A.Ponkavitha

W/o. M.Anantharaj, Plot No.15, 3rd Cross Street, Vijaya Nagar Extension, Velachery,
Allikulam- 600042.

3. P.Sornalatha

W/o.Late P.Bose @ Purushothaman, No.16f, Sanjeevi Building, Meenakshipuram,
Thirunelveli Junction, Thirunelveli - 627001.

4. P.Sabarinath

S/o.Late P.Bose @ Purushothaman, No.16f, Sanjeevi Building, Meenakshipuram,
Thirunelveli Junction, Thirunelveli - 627001.