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TR CMP No. 895 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 27-02-2026**

CORAM

**THE HON'BLE DR.JUSTICE A.D.MARIA CLETE**

**TR CMP No. 895 of 2025**

**and**

**C.M.P.No.20667 of 2025**

Church Of South India Trust Association  
No..5 Whites Road, Royapettah, Chennai - 600  
014.

..Petitioner(s)

Vs

1. Meston Education And Development  
Association Pvt Ltd.,  
Rep. by its Secretary/Director, No.33 Westcott  
Road, Royapettah, Chennai - 600 014.
2. C.S.I Monahan Girls Hr.Sec.School  
Rep. by its Correspondent, No.197 Peters Road,  
Royapettach, Chennai - 600 014.

..Respondent(s)

**TR CMP No. 895 of 2025**

To withdraw and transfer OS No.4246 of 2001 pending on the file of the XIII Assistant City Civil Court, Chennai to be heard along with OS No.13823 of 2010 pending on the file of VI Additional City Civil Court Chennai either by the same court or any other court as may be decided by this Honble Court and render justice.

**TR CMP No. 895 of 2025**

For Petitioner(s): Mr.V.Prakash  
For Mr.Adrian D.Rozario

For Respondent(s): Mr.George Graham  
M/s.Devadason & Sagar (firm)



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## Order

Heard.

2. This transfer petition is filed under Section 24 of the Code of Civil Procedure. The petitioner asks that O.S. No. 4246 of 2001, now pending before the XIII Assistant City Civil Court, Chennai, be withdrawn and transferred to the VI Additional City Civil Court, Chennai, so that it can be tried together with O.S. No. 13823 of 2010 pending there. It is also stated that C.S. No. 21 of 2023 is pending before this Court.

3. The petitioner states that both suits concern the same Royapettah property and that the parties' claims in both cases arise from the Deed of Indenture dated 01.01.1938. According to the petitioner, the main issues—whether the licence was validly determined, who is entitled to possession, and whether the notice of determination is valid—are common to both suits and are closely connected. The petitioner also submits that if the suits are tried separately, there is a risk of inconsistent findings. It is further stated that O.S. No. 4246 of 2001 is now posted for arguments, while O.S. No. 13823 of 2010 is posted for further evidence and cross-examination of P.W.1, and therefore both suits should be tried together by the same Court.



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4. The respondents opposed the transfer. They said that evidence of P.W.1 is also being recorded in the 2010 suit. They also pointed out that the 2010 suit has an additional defendants who are not made a respondent in this transfer petition. Further, they contended that if the suit now pending before the Assistant City Civil Court is transferred to the Additional City Civil Court, they would lose their right to file an appeal before the Additional Court.

5. This Court has considered the submissions. The power under Section 24 CPC is meant to serve the ends of justice and to avoid multiple proceedings and inconsistent decisions.

6. The objections are not sufficient to refuse the transfer. The fact that P.W.1 evidence is still going on in O.S. No. 13823 of 2010, and that the 2010 suit includes an additional defendant, does not by itself prevent a transfer under Section 24 CPC, so long as the main dispute is about the same property or transaction and a transfer will help the Court decide the matters fully and consistently.



7. The concern about the appeal forum is not well-founded. A transfer under Section 24 CPC is only to make the trial and disposal more convenient by placing the matter before one Court; it does not necessarily mean a joint trial in every case. It does not take away any legal right of first appeal, which will still be available in accordance with law against the final decree passed by the competent Court. The respondent has not shown any real prejudice, apart from a general apprehension.

8. In the circumstances, having regard to the commonality of the subject-matter the Royapettah property, the nexus to the Deed of Indenture dated 01.01.1938 and the notice dated 24.04.2002, and the real possibility of inconsistent adjudications this Court is satisfied that transfer is necessary to secure the ends of justice and to avoid multiplicity of proceedings and for adjudication by one court, though not necessarily joint trial.

9. Accordingly, Tr.C.M.P. No. 895 of 2025 is allowed with the following directions that O.S. No. 4246 of 2001 is withdrawn from the file of the XIII Assistant City Civil Court, Chennai, and is transferred to the file of the VI Additional City Civil Court, Chennai, so that both matters may be dealt with by the same Court. All contentions on the merits, and the question whether the



suits should be tried jointly, are left open to be raised and decided by the trial Court in accordance with law.

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10. The XIII Assistant City Civil Court, Chennai shall transmit the entire records in O.S. No. 4246 of 2001 without delay to the VI Additional City Civil Court, Chennai. Any connected miscellaneous petitions are closed. No costs.

**27-02-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No

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To

1. XIII Assistant City Civil Court, Chennai
2. VI Additional City Civil Court Chennai

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**DR.A.D.MARIA CLETE J.**

**MFA**

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