

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(PD) No.804 of 2015

and

M.P.No.1 of 2015

1. Chinnammal
2. Govindarajan
3. Kalaiselvi

...

Petitioners

Vs.

Periyasamy (Died)

1. Chinnusamy
2. Lakshmi
3. Chinnathayee
4. Kundumani
5. Chinathambi

Chinna Irusan (Died)

6. Iravanan
7. Rajendran
8. Merubi
9. Alavudin Batcha
10. Mohammed Sheriff
11. G.Sekar
12. A.Boopathi
13. Chinnapillai
14. C.Muthamilan
15. C.Tamilselvi
16. C.Tamilarasi

...

Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Learned District Munsiff, Sankari to conduct joint trial of the suit in O.S.No.134 of 2004 along with suit in O.S.No.135 of 2004.

For Petitioners

:

Mr.L.Mouli

ORDER

This civil revision petition is praying for a direction to the Learned District Munsiff, Sankari to conduct joint trial of the suit in O.S.No.134 of 2004 along with suit in O.S.No.135 of 2004.

2. Mr.Mouli, learned counsel for the petitioners submitted that the respondents 1 to 5 instituted a suit originally before the Subordinate Court, Sankari, in O.S.No.111 of 1993 for partition against the petitioners and the petitioners filed O.S.No.228 of 1996 before the District Munsif, Sankari for the same relief.

3. The 6th respondent filed Transfer O.P.No.128 of 1997 before the Principal District Judge, Salem, seeking transfer of O.S.No.228 of 1996 from the District Munsif Court, Sankari to the Subordinate Court, Sankari, to be tried along with O.S.No.111 of 1993.

4. The Learned Principal District Judge, Salem, allowed the transfer application on 21.04.1999. The learned counsel further submitted that the suits, pending before the Subordinate Court, Sankari, were later transferred to the Principal District Court, Sankari and re-numbered as O.S.Nos.134 and 135 of 2004 respectively.

5. The respondents, suppressing the order passed by the Principal District Court, Salem, moved CRP.(PD).No.3693 of 2014 for early disposal of the suit. This Court also allowed the civil revision petition directing the District Munsif Court, Sankiri, to dispose of O.S.No.134 of 2004. The learned counsel further submitted that the respondents have deliberately suppressed the facts and obtained the order.

6. Considering the submission of the learned counsel for the petitioners, this Court is inclined to issue direction to the District Munsiff Court, Sankari shall dispose of O.S.Nos.134 of 2004 and 135 of 2004 respectively, as per the order passed by the Principal District Court,Salem, dated 21.04.1999 in Transfer O.P.No.128 of 1997.

In the result, the civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

24.02.2015

Index : Yes/No

Internet: Yes/No

sms

Note: Issue order copy on 24.02.2015.

To

The Learned District Munsiff, Sankari.

K.KALYANASUNDARAM,J.

sms

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