

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(PD) NO.1364 OF 2013
AND M.P.NOS.1 AND 2 OF 2013

1.M.Vaidyanathan
2.Selvakumar

... Petitioners

Vs.

M.Pazhani

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 11.02.2013 passed in Tr.O.P.No.9 of 2013 in O.S.No.236 of 2012 by the Principal District Judge, Cuddalore.

For Petitioners : Mr.R.Subramanian
For Respondent : Mr.K.Sellathurai

ORDER

This Civil Revision Petition is directed against the order dated 11.02.2013 passed in Tr.O.P.No.9 of 2013 in O.S.No.236 of 2012 by the learned Principal District Judge, Cuddalore.

2.The petitioners are the defendants in O.S.No.268 of 2012 on the file of the Additional District Munsif, Chidambaram. The respondent herein had instituted the suit against the petitioners for permanent injunction restraining the defendants, their men, agents, relatives and persons claiming right under or through them from in any manner interfering with the plaintiff's peaceful possession and enjoyment of the suit property.

3.The petitioners herein are the plaintiffs 1 and 4 in O.S.No.236 of 2012 on the file of the Principal District Judge, Cuddalore. The petitioners had instituted the suit against the respondent and one Mr.A.Mani for partition and separate possession of claiming 5/7th share in the suit properties and other reliefs.

4.The petitioners herein filed a transfer petition in Tr.O.P.No.9 of 2013 under Section 24 of the Civil Procedure Code seeking order for transfer of the suit in O.S.No.268 of 2012 on the file of the Additional District Munsif Court, Chidambaram to the file of Principal District Judge, Cuddalore. The petition was resisted by the respondent by filing a counter affidavit. The learned Principal District Judge dismissed the petition vide order dated 11.02.2013 holding that the issues involved in both the suits are different. Challenging the order, the present Civil Revision Petition is filed.

5. Heard the submissions made by Mr.R.Subramanian, learned counsel for the petitioners and Mr.K.Sellathurai, learned counsel for the respondent.

6. The learned counsel for the respondent has no objection in allowing this Civil Revision Petition, however, seeks direction for disposal of the suits in a time frame.

7. In view of the submission of the learned counsel for the respondent, the order impugned in this Civil Revision Petition is set aside and the Revision is allowed. The suit in O.S.No.268 of 2012 is withdrawn from the file of the Additional District Munsif Court, Chidambaram and transferred to the file of the Principal District Court, Cuddalore to be tried along with O.S.No.236 of 2012.

8. The learned Principal District Judge, Cuddalore is directed to dispose of the suits in O.S.No.268 of 2012 and O.S.No.236 of 2012, on merits and in accordance with law, as expeditiously as possible, preferably on or before 30.09.2015.

9.This Civil Revision Petition is allowed accordingly. No costs.

Consequently, connected miscellaneous petitions are closed.

18.03.2015

Index : Yes/No

Internet : Yes/No

TK

To

1.The Additional District Munsif
Chidambaram.

2.The Principal District Judge
Cuddalore.

K.KALYANASUNDARAM, J.
TK

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