

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2016

CORAM:

THE HON'BLE **MS. JUSTICE R.MALA**

C.R.P.(PD).No.4813 of 2015

and

M.P.No.1 of 2015

1.Uma
W/o.Ramkumar

2.Ramkumar
S/o.Chengana

.. Petitioners/Petitioners

Vs.

1.Narayanamoorthy

2.Jayanthi

3.P.V.Jaganathan

4.Harini

5.Sekar Alagappan

6.Ramakrishnan
Sole Proprietor of M/s.Savoy Marine
No.241/7, TTK Road
Alwarpet.

7.Corporation of Chennai
Rep b y its Commissioner
No.1131, EVR Periyar Salai
Park Town, Chennai – 600 003.

8.CMDA

Rep by its Member Secretary
Thalamuthu Natarajan Maligai
Gandhi Irwin Road
Egmore, Chennai – 8.

.. Respondent/Respondent

Prayer:

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 10.08.2015 made in Tr.O.P.No.74 of 2014 on the file of the Principal District Judge at Tiruvallur.

For Petitioner : Mr.N.Anand Venkatesh

For Respondents : Mr.T.R.Rajaraman, for caveator (R1)

ORDER

Heard the learned counsel appearing for the revision petitioner and the learned counsel appearing for the first respondent.

2. The present Civil Revision Petition has been filed challenging the impugned order dated 10.08.2015 made in Tr.O.P.No.74 of 2014, wherein the prayer to transfer the suit in O.S.No.382 of 2011 from the file of the Additional District Munsif Court, Poonamallee to the file of the Principal District Munsif Court, Poonamallee to be tried jointly with

O.S.No.305 of 2012 and O.S.No.23 of 2014 pending on its file, came to be dismissed.

3. The learned counsel appearing for the petitioner would submit that the first petitioner as a plaintiff has filed the suit in O.S.No.382 of 2011 on the file of the Additional District Munsif Court, Poonamallee for permanent injunction against the respondents 1, 3 and 4 herein. Likewise, the 3rd and 4th respondents herein had filed the suit in O.S.No.305 of 2012 on the file of the Principal District Munsif, Poonamallee for declaration of title and permanent injunction in respect of the very same property, against the petitioners and the other respondents herein. On the other hand, the 1st and 2nd respondents herein had filed a separate suit in O.S.No.23 of 2014 on the file of the Principal District Munsif, Poonamallee for declaration of title and injunction against the petitioners and the respondents 5 and 6 herein. Since the suits in O.S.No.305 of 2012 and O.S.No.23 of 2014 are pending on the file of the Principal District Munsif, Poonamallee, the petitioners herein had filed the transfer petition in Tr.O.P.No.74 of 2014 to transfer the suit in O.S.No.382 of 2011 pending on the file of the Additional District Munsif Court, Poonamallee to the file of the Principal District Munsif, Poonamallee for joint trial. However, the said

transfer petition came to be dismissed and as against the same, the present Civil Revision Petition has been preferred.

4. The learned counsel for the revision petitioner would submit that the suit in O.S.No.305 of 2012 pending on the file of the Principal District Munsif, Poonamallee is a comprehensive suit filed by the 3rd and 4th respondents herein for declaration of title and injunction in respect of the property which is a subject matter in O.S.No.382 of 2011 filed by the first petitioner herein for bare injunction. Hence, the learned counsel for the petitioner would submit that both the suit had to be tried jointly and prayer for setting aside the impugned order.

5. Resisting the same, the learned counsel for the first respondent would submit that he has got no objection to transfer the suit in O.S.No.382 of 2011 pending on the file of the Additional District Munsif Court, Poonamallee to the file of the Principal District Munsif, Poonamallee for joint trial along with O.S.No.305 of 2012. However, the learned counsel would submit that since the properties in O.S.No.23 of 2014 are entirely different, there is no need for conducting joint trial along with the other suits.

6. Recording the submission made by the learned counsel for the first respondent, the impugned order passed by the Trial Court is modified and the suit in O.S.No.382 of 2011 pending on the file of the Additional District Munsif Court, Poonamallee is withdrawn and transferred to the file of the Principal District Munsif, Poonamallee for joint trial along with O.S.No.305 of 2012. The learned Additional District Munsif, Poonamallee is directed to transmit the records pertaining to O.S.No.382 of 2011 to the file of the Principal District Munsif, Poonamallee within a period of fifteen days from the date of receipt of a copy of this order. On receipt of the same, the learned Principal District Munsif, Poonamallee is directed to conduct joint trial of the suits in O.S.No.382 of 2011 and O.S.No.305 of 2012 and dispose of the same within a period of four months thereafter.

7. The Civil Revision Petition is ordered accordingly. Consequently, connected miscellaneous petition is closed. No costs.

28.01.2016

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R.MALA, J.

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To
The Principal District Judge,
Tiruvallur

C.R.P.(PD).No.4813 of 2015

Dated : 28.01.2016