

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.04.2016

CORAM

THE HONOURABLE Mr. JUSTICE P.R.SHIVAKUMAR

C.R.P.[PD] No.1048 of 2016

&

C.M.P.No.5838 of 2016

1.State Bank of India
Sowcarpet Branch
Bunder Street
Chennai – 600 001
Rep. By its Manager

2.State Bank of India
Stressed Assets Recovery Branch
Indian Red Cross Society Building
32, Montieth Road, 2nd Floor
Egmore, Chennai – 600 008
Rep by its City Case Officer

... Petitioners

Vs

1.Mrs.T.K.Sudha
2.Mrs.Lakshmi
3.Mr.Umapathy

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside fair and decretal order dated 29.07.2015 passed by the Principal District Judge, Poonamallee in Tr.O.P.No.85 of 2015.

For Petitioners : Mr.O.Padmaprakash

ORDER

The present Civil Revision Petition has been filed against the dismissal of Tr.O.P.No.85 of 2015 seeking transfer of a case from the file of Additional District Munsif Court, Poonamallee to the file of Sub-Court, Poonamallee for joint trial with the suit filed by the revision petitioners, namely O.S.No.108 of 2004.

2. The learned Principal District Judge dismissed the Transfer Original Petition holding that no suit is pending to be tried along with the suit sought to be transferred since the suit filed by the revision petitioners had been dismissed for default and that hence there was no scope for transferring the other case to be tried along with the suit which has already been dismissed for default.

3. This Court does not find any defect in the order passed by the learned Principal District Judge. However, the learned counsel for the petitioners seeks the leave of the Court to withdraw the Civil Revision Petition and a permission to file a similar Transfer Original Petition in case before the disposal of O.S.No.362 of 2010 pending before the District Munsif Court, Poonamallee, the petitioners' suit O.S.No.108 of 2004 shall be restored to file. An endorsement to that effect has been made.

Endorsement is recorded. The Civil Revision Petition is dismissed as withdrawn. Liberty as indicated supra is granted. No costs. Consequently, the connected miscellaneous petition is closed.

01.04.2016

Index: Yes/No
Internet: Yes/No
gpa

To

The District Munsif
Tirupur

P.R.SHIVAKUMAR, J

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