

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.12.2016

Coram

The Honourable MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.PD.No.3381 of 2016

and

C.M.P.No.17252 of 2016

1. Natarajan
2. Gnanaprakasam
3. Selvaraj

... Petitioners

vs

1. S.Kasthuribai

Jayalakshmi Ammal (died)

2. Baby Ammal
3. Kanagarathinam
4. Vageshwari
5. Logeswari
6. Ganesh
7. Kalaiselvi
8. Sivasankari
9. Magesh
- 10.Thilagavathi(died)

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and decretal order dated 11.07.2016 in Tr.O.P.No.167 of 2015 passed by the Principal District Judge, Villupuram by allowing this Revision Petition.

For Petitioners : Ms.T.Shymala

For Respondents : Mr.V.Ajaykumar

ORDER

The revision is directed against an order allowing the transfer petition in Tr.O.P.No.167 of 2013 on the file of the Principal District Judge, Villupuram. The plaintiff in O.S.No.17 of 2005 and O.S.No.180 of 2013 is the petitioner in Tr.O.P.No.167 of 2013.

2. O.S.No.17 of 2005 is filed for partition claiming 1/4th share in the suit property and O.S.No.180 of 2013 is also for partition claiming 1/4th share in the suit property. It is stated that the property in O.S.No.180 of 2013 forms part of the subject matter in O.S.No.17 of 2005, which is pending before the Principal District Court, Villupuram. The defendants in both the suits are the same. Therefore, the joint trial by transferring the O.S.No.180 of 2013, is sought for.

3. It is stated in O.S.No.17 of 2005, P.W.1 was examined and it is posted for cross examination of P.W.1. The same plaintiff has filed

two suits for the same relief on two different places. One is of the year 2005 and the other is of the year 2013.

4. When the plaintiff is the same and who is being cross examined in both the suits, it would be easier and would minimise the evidence, if the suits are tried in common. Besides, it would also help to avoid conflict of decisions and multiplicity of proceedings. Therefore, the Tr.O.P.No.167 of 2015 was allowed by the learned Principal district Judge, Villupuram. This Court finds no infirmity in the order passed by the lower Court and the same is confirmed.

5. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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15.12.2016

Index :Yes

Internet:Yes

PUSHPA SATHYANARAYANA.J

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To

The Principal District Judge, Villupuram

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