

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2016

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.P.D.No.4053 of 2016
and C.M.P.Nos.20481 and 20482 of 2016

1. M/s. Ruby Textiles Processing Ltd by its
Partner R.Udhaya Chandhirika

2. R.Udhaya Chandhirika
W/o.Radha Krishnan

.. Petitioners

-Vs.-

S.P.Rotary Prints, a registered partnership firm
Rep by its Partners

1. P.Somasundaram
2. C.Dhansekar
3. C.Karunambal
4. S.Selvarani

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India praying to strike off the plaint in O.S.No.494 of 2016 on the file of the Additional Subordinate Judge, Tiruppur and strike off the same.

For petitioners ... Mr.Naveen Kumar Murthi

For Respondents ... Mr.K.Ravi Anantha Padmanaba

O R D E R

The revision petitioners herein had filed O.S.No.342 of 2016 on the file of the District Munsif, Tiruppur for permanent injunction restraining the defendants and their men from carrying out any business and transaction of related to S.P.Rotary Prints in the suit property. In the said suit, the defendants had filed an application under Order VII Rule 11 C.P.C praying to reject the plaint and now orders are pending in the said application after enquiry.

2. In the meanwhile, the respondents herein had filed a suit in O.S.No.494 of 2016 on the file of the Additional Subordinate Court, Tiruppur for the relief of injunction restraining the defendants /revision petitioners from interfering with the peaceful possession and enjoyment of the suit property till they are evicted under due process of law. The second suit filed by the respondents herein is now sought to be struck off in the revision.

3. According to the learned counsel for the petitioners, it is a clear case of res judicata as the previous suit relating to the similar issue is already pending. As the previous suit is filed by the revision petitioners and the present suit is only cross suit filed by the defendants. Therefore, the contention of the learned counsel for the respondents is unacceptable. However, considering the fact that the parties and properties are one and the same, this Court is inclined to direct a joint trial of both the suits, for which, the counsels appearing on both sides are agreeable.

4. Accordingly, O.S.No.342 of 2016 pending on the file of the District Munsif, Tiruppur is withdrawn and transferred to the file of the Additional Subordinate Court, Tiruppur to be tried along with O.S.No.494 of 2016. In the meanwhile, the learned District Munsif, Tiruppur is directed to pass appropriate orders in I.A.No.1151 of 2016 in which orders have been reserved. After pronouncement of the orders in I.A.No.1151 of 2016 in O.S.No.342 of 2016, subject to the said result,

the transfer may take effect.

PUSHPA SATHYANARAYANA.J

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5. With the above directions, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

23.12.2016

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To

1. The District Munsif,
Tiruppur
2. The Additional Subordinate Judge,
Tiruppur

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