

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE C.T. SELVAM

C.R.P.(PD)No. 493 of 2016
and
C.M.P.No. 2551 of 2016

1. S.Sripathy
2. S.Gajendran ... Petitioners/Respondents

Vs.

K.Shanthi ... Respondent/Petitioner

Civil Revision Petition filed under Article 227 of Constitution of India, against the Fair and Decretal Order passed in Tr.O.P.No. 14 of 2011 dated 17.07.2014 on the file of the learned Principal District Judge, Kanchipuram.

For Petitioners : Mr. V.Ravi

For Respondent : Mr.K.Shanmugakani

ORDER

This revision arises out of an order of transfer passed in Tr.O.P.No.14 of 2011 dated 17.07.2014 on the file of the learned

Principal District Judge, Kanchipuram, allowing the transfer of suit in O.S.No.320 of 2003, an action for injunction to be tried jointly with O.S.No.109 of 2003, the suit moved by the petitioners for specific performance. The Court below has rightly observed as follows:-

"O.S.No. 109 of 2003 is for the relief of specific performance of the sale agreement. On the other hand O.S.No. 320 of 2003 is for the relief of permanent injunction. The suit property in O.S.No. 320 of 2003 is one of the suit item is also the suit property in O.S.No. 109 of 2003. Parties to the suit is also one and the same and hence trying both the suits jointly would minimize the oral evidence, documentary evidence as well as the courts time and also delay and conflicting decisions. Hence, this Court finds this petition is allowed and the suits has to be tried by the same court and thus, this Court finds the petition deserves to be allowed."

2. In view of the above, the revision stands dismissed.

Consequently, connected Miscellaneous Petition is closed. No costs.

vsg

14.06.2016

Index: Yes/No

Internet: Yes/No

To

Principal District Judge, Kanchipuram.

C.T. SELVAM J.,
vsg

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