



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2016

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P(MD)No.650 of 2016 (PD)

and

C.M.P(MD)Nos.2993 & 2994 of 2015

Ramakrishnan

.. Petitioner

Vs.

1.Ramadhas

2.The State of Tamil Nadu,
Rep. By District Collector,
Kanyakumari at Nagercoil.

3.The Tahsildar,
Agasteeswaram Taluk,
Nagercoil.

.. Respondent

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to set aside the Fair and Decretal order dated 20.02.2015 passed in Tr.O.P.No.163 of 2014 on the file of the District Court, Kanyakumari at Nagercoil by allowing the Civil Revision Petition.

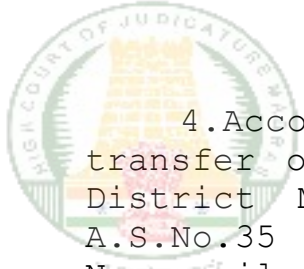
For Petitioner : Mr.D.Nallathambi

ORDER

This Civil Revision Petition has been filed to set aside the Fair and Decretal order, dated 20.02.2015 passed in Tr.O.P.No.163 of 2014 on the file of the District Court, Kanyakumari at Nagercoil by allowing the Civil Revision Petition.

2.The petitioner is the plaintiff. The respondents are the defendants. The petitioner filed suit in O.S.No.276 of 2006 before the I Additional District Munsif, Nagercoil for Mandatory Injunction to change the name of the petitioner in the revenue records and the suit in O.S.No.441 of 2005 before the Principal District Munsif, Nagercoil for permanent injunction. The said suit in O.S.No.441 of 2005 was dismissed by the judgement and decree, dated 23.02.2013. Against that Judgement and decree, the petitioner has filed an appeal in A.S.No.35 of 2013 before the Principal Subordinate Judge, Nagercoil.

3.I have heard the learned counsel appearing for the petitioner and also perused the entire materials available on



4. According to the petitioner, the petitioner has sought for transfer of O.S.No.276 of 2006 on the file of the I Additional District Munsif Court, Nagercoil for joint trial along with A.S.No.35 of 2013 on the file of the I Additional Sub Court, Nagercoil.

5. From the materials, it is seen that the relief sought for in the present suit in O.S.No.276 of 2006 on the file of the I Additional District Munsif, Nagercoil and the relief sought for in O.S.No.441 of 2005 on the file of the Principal District Munsif, Nagercoil, are different. Further, earlier suit was dismissed on 28.02.2013 after trial and appeal filed by the petitioner is pending. Now a suit cannot be tried along with first appeal, which will amount to re-trial of earlier suit. The learned Judge considering all these aspects, dismissed the Tr.O.P.No.163 of 2014 filed by the petitioner. There is no illegality or irregularity warranting interference by this Court.

6. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

The District Court, Kanyakumari at Nagercoil.

+one cc to Mr.D.Nallathampi, Advocate in SR.No.17720

am

CSL/SKS-RR/13.04.2016 :2P/3C

C.R.P (MD) No.650 of 2016 (PD)
30.03.2016