

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.(PD).No.143 of 2017
and
C.M.P.No.629 of 2017

1. Rajeswari
2. R.Balasubramaniam
3. S.Palaniammal

.. Petitioners

Vs.

1. M.Sukumaran
2. M.Meenambal
3. M.Thulasiammal
4. M.Sumathi
5. M.Arulmozhi
6. M.Arumugam
7. M.Ramakrishnan
8. M.Dhanaselvi
9. M.Sivakumar
10. G.Ragusaravanan
11. S.Sudha

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the docket order of the Principal District Judge, Coimbatore, dated 06.01.2017 made in I.A.No.10 of 2017 in Tr.O.P.No.7 of 2017.

For petitioner : Mr.I.Abrar Md. Abdullah for Mr.R.Shanmugam

ORDER

The revision petitioners have filed O.S.No.1989 of 2016 on the file of the District Munsif Court, Coimbatore, for permanent injunction and they have also obtained an order of injunction pending suit on 23.12.2016 in I.A.No.2125 of 2016, restraining the respondents and their men from disturbing the petitioners while fencing the suit, till 12.01.2017. As a counter-blast, the defendants in the said suit, have also filed O.S.No.20 of 2017 on the file of the Sub-Court, Coimbatore, for the relief of permanent injunction. In I.A.No.21 of 2017 in O.S.No.20 of 2017 filed for injunction, the respondents herein/defendants were unsuccessful. The suit in O.S.No.20 of 2017 was moved on 04.01.2017, and as interim order was not granted, the very next day, Tr.O.P.No.7 of 2017 was filed by the respondents herein/defendants before the District Court, Coimbatore, for transferring O.S.No.1989 of 2016 from the file of the Principal District Munsif Court, Coimbatore to the file of the First Additional Sub-Court, Coimbatore, wherein the second suit was pending, for a joint trial. They have also obtained an order of stay of all further proceedings in O.A.No.1989 of 2016. This revision petition is directed against the said

order of stay. Learned counsel appearing for the petitioners concedes that he has got no objection for the petitioners' suit being transferred to the file of the Sub-Court, Coimbatore, to be tried along with O.S.No.20 of 2017, which is already pending, as filed by the respondents/defendants. As the prayer in Tr.O.P. sought for by the respondents is conceded by the petitioners, this Court, without notice to the respondents herein, directs for joint trial of both the suits. Accordingly, Tr.O.P.No.7 of 2017 is allowed and O.S.No.1989 of 2016 pending on the file of the District Munsif Court, Coimbatore, is transferred to the Sub-Court, Coimbatore, to be tried along with O.S.No.20 of 2017. With this direction, the Civil Revision Petition is disposed of. No costs. C.M.P. is closed.

12.01.2017

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Copy to

1. The Principal District Judge, Coimbatore.
2. The Principal District Munsif, Coimbatore.
3. The Subordinate Judge, Coimbatore.

PUSHPA SATHYANARAYANA,J

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12.01.2017

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