

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.(PD) No.3229 of 2017
and C.M.P.No.15131 of 2017

N.Periyasamy

... Petitioner

Vs.

1.V.K.Ranganathan

2.Asaithambi

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 30.09.2016 made in Tr.O.P.No.141 of 2016 on the file of the learned Principal District Court, Salem.

For Petitioner : Mr.N.Manokaran

ORDER

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This Civil Revision Petition has been filed against the order dated 30.09.2016 made in Tr.O.P.No.141 of 2016 passed by the Principal District Judge, Salem, in transferring the suit from the III Additional

District Court, Salem.

2. The suits in O.S.No.65 and 66 of 2014, filed before the Courts below for specific performance. Both the suits are pending before the Additional District Court, Salem, but before the different Judges. Therefore, the transfer petition in Tr.O.P.No.141 of 2016 has been filed to take up both the matters together before the same Judge. Therefore, the matter was transferred from the file of III Additional District Court, Salem, to the file of I Additional District Court, Salem, to conduct the suits together. It is categorically observed that the transferee Court shall decide whether these cases have to be tried jointly or simultaneously.

3. Aggrieved over the observation, the petitioner has come before this Court with this Civil Revision Petition.

4. The learned counsel for the petitioner would submit that the properties are different and the plaintiffs in both the suits are different. Therefore, the joint trial will cause serious prejudice to the petitioner. Hence, the learned counsel for the petitioner vehemently

contended that simultaneous trial can be conducted and not the joint trial of the suits.

5. Considering the submissions made by the learned counsel for the petitioner, the order of transferring the suit from the file of III Additional District Court, Salem, to the file of I Additional District Court, Salem is confirmed and the I Additional District Court, Salem, is directed to conduct simultaneous trial.

6. With the above observation, this Civil Revision Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

12.09.2017

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To

- 1.The Principal District Court, Salem.
- 2.The I Additional District Court, Salem.
- 3.The III Additional District Court, Salem.

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M. GOVINDARAJ, J.

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