

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.04.2017**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No. 2539 of 2013 and
M.P.Nos.1 and 2 of 2013

1.Palaniammal @ Vijayalakshmi
2.P.K.Magudapathi
3.N.Mohanraj
4.G.Latha

...Petitioners

Vs

1.Perumal
2.Marayee

...Respondents

Prayer :- Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order of the learned Principal District Judge, Namakkal dated 30.10.2012 made in Transfer O.P.No.60 of 2012.

For Petitioner : No appearance
For R1 : Mr.T.Dhanyakumar

ORDER

This civil revision petition is directed against the order dated 30 October 2012 in Tr.O.P.No.60 of 2012 dismissing the petition filed by the petitioners for trial of the suit in O.S.No.105 of 2009 along with O.S.No.190 of 2010.

2. None appears on behalf of the petitioners. Heard the learned counsel for the respondents.

3. The petitioners filed application in Tr.O.P.No.60 of 2012 before the learned Principal District Judge, Namakkal to club the suit in O.S.No.105 of 2009 and O.S.No.190 of 2010 for joint trial. The learned District Judge found that some of the parties in O.S.No.105 of 2009 were not parties in O.S.No.190 of 2010. Similarly, it was found that one suit was based on a mortgage and the other suit was to cancel the decree in O.S.No.568 of 1995. Since the factual matrix in both the suits were not identical, the learned District Judge dismissed the transfer application.

4. I have perused the order passed by the learned District Judge. The learned Judge has given sufficient reasons to deny the relief claimed by the petitioners for joint trial. Since the suit in O.S.No.190 of 2010 has practically nothing to do with O.S.No.105 of 2009, the petitioners were not correct in their contention that both the suits should be tried together. I am therefore, of the view that there is no merit in the contention taken by the petitioners.

In the upshot, I dismiss the civil revision petition. No costs. Consequently, connected miscellaneous petitions are closed.

07.04.2017

gms

To
The Principal District Judge, Namakkal.

K.K.SASIDHARAN,J.

gms

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