

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2017

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P.(PD)No.4443 of 2013

P.Thiyagarajan

... Petitioner

Vs.

1.U.Vijayalakshmi

2.J.Jothilakshmi

3.R.Mala

4.K.Sugunammal

5.Deepa

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order and decree dated 26.08.2013, made in Transfer O.P.No.23 of 2012, on the file of Principal District Judge, Vellore.

For Petitioner : Mr.A.Gouthaman

For Respondents : No Appearance

ORDER

The petitioner has filed this Civil Revision Petition to set aside the fair and decretal order of the Principal District Judge, Vellore, dated 26.03.2013 in Transfer O.P.No.23 of 2012.

2.The factual matrix of the case is that there were totally 5 suits for the relief of recovery of money filed by the respondents herein as against the revision petitioner. The revision petitioner is the defendants in all the suits, such that suit in O.S.No.331 of 2004 on the file of the Principal District Munsif Court, Vellore was filed by the 5th respondent and the suits in O.S.Nos.60, 63, 64 and 76 of 2004 on the file of the Subordinate Judge, Vellore, were filed by the respondents 1, 2, 3 and 4 respectively.

3.According to the revision petitioner, the respondents herein are close relatives and they collusively have filed the above suits on the basis of forged pro-notes, which were not executed by the revision petitioner. The said suits were filed due to a dispute arose between the revision petitioner and one another relative of the respondents, in the event of winding up a Partnership Firm. Only at the instance of that

relative, the respondents chose to file the above suits, as if the revision petitioner is due to pay money. Therefore the revision petitioner has filed an application under Section 24 of CPC in Tr.O.P.No.23 of 2012 before the learned Principal District Judge, Vellore seeking for the Transfer of suit in O.S.No.331 of 2004 from the file of the Principal District Munsif Court, Vellore to the file of the Subordinate Judge, Vellore, so as to enable him to conduct the case jointly along with the other suits in O.S.Nos.60, 63, 64 and 76 of 2004 and thereby he would be able to establish the collusion between the respondents, besides to avoid the conflicting decisions of the Courts. Whereas the Learned the Principal District Judge, Vellore was not inclined to entertain the Transfer Petition filed by revision petitioner and thereby rejected the revision petitioner's plea for Joint trial, vide an order dated 26.08.2013. Challenging the same the revision petitioner is before this Court.

4.I heard Mr.A.Gouthaman, learned counsel appearing for the petitioner and no representation on behalf of the respondents and perused the entire records.

5.The learned counsel for the revision petitioner submitted that

the respondents herein are close relatives and they collusively have filed the above suits on the basis of forged pro-notes, which were not executed by the revision petitioner. The revision petitioner is the sole defendant in all the suits in O.S.No.331 of 2004 on the file of the Principal District Munsif Court, Vellore and in the suits in O.S.Nos.60, 63, 64 and 76 of 2004 on the file of the Subordinate Judge, Vellore. Furthermore all the above suits were filed due to a dispute arose between the revision petitioner and one another relative of the respondents, in the event of winding up a Partnership Firm. However, the respondents chose to file the above suits, as if the revision petitioner is due to pay money. In the said circumstance only a Joint trial of all the above suits will meet the ends of Justice, enabling the revision petitioner to establish the fraud of the respondents.

6.The case of the respondent is that the plea of the revision petitioner for a joint trial of all the above suits is unsustainable at jurisdictional point. The suits were rightly filed by the respondents before the appropriate Court in accordance with pecuniary jurisdiction and there is no any collusion between the respondents. Furthermore the intention of the petitioner is only to prolong the matter and harass the respondents, that the petition in hand is being filed after a lapse of

nine years from the filing of suit. Therefore the petition was rightly dismissed by the learned Principal District Judge, Vellore.

7. Admittedly the suits on hand were found to be filed in the year 2004, whereas after about 9 years the revision petitioner has raised such a plea. It is relevant to note here that the plaintiffs in the suits are different persons and they have filed individual suits on the basis of separate pro-notes on different cause of actions. Therefore this Court is not inclined to accept the contention of the revision petitioner that since all the above suits are for recovery of money and the revision petitioner is the sole defendant in all suits, the suits are liable for a joint trial.

8. Further the claim of the revision petitioner that the joint trial is necessary for avoiding a conflicting judgment is also baseless, since the disposal of the individual money suits filed on the basis of separate pro-note can not in any way conflict with the decision made in the other cases.

9. It is needless to say that each civil Court has its own pecuniary jurisdiction. Admittedly the suit in O.S.No.331 of 2004 on the file of

the Principal District Munsif Court, Vellore, is found to be filed for recovery of a sum of Rs. 75,000/- on the foot of a pro-note dated 15.02.2001, which no doubt has to be tried by a District Munsif Court.

10.The impugned order discloses that the learned Principal District Judge, on taking into account of the above said facts has rightly dismissed the revision petitioner's application in Tr.O.P.No.23 of 2012, which is not warranted any interference by this Court.

11.In the result, the Civil Revision Petition fails and the same is hereby dismissed. However, since the suits are of the year 2004 the respective trial Courts are directed to dispose of the suits within a period of six months from the date of receipt of a copy of this order. No costs.

12.01.2017

Note:Issue order copy on 28.08.2017
vs

Index: Yes
Internet: Yes

To

The Principal District Judge,
Vellore.

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M.V.MURALIDARAN.J.,

VS



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