

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.6487 of 2016

Order:

This revision arises out of the dismissal of a transfer petition under Section 24 of the Code.

2. Heard the learned counsel on both sides.

3. One is a suit for specific performance filed in the year 2013. The other is a suit for bare injunction filed in the year 2010. Finding that in the suit for bare injunction, arguments were already over, the District Court thought fit not to order the transfer.

4. The grievance of the petitioner is that before disposal of the suit for specific performance, if the suit for bare injunction is decreed, he may be thrown out of possession. But this cannot be the basis for a transfer. The underlying principle behind the transfer of suits to the same Court for joint trial is to ensure that common evidence is taken. Now that the evidence in the suit for bare injunction is already over and arguments concluded, there is no question of transfer at this stage. Hence, the District Court was right in dismissing the application for transfer. I find no reason to interfere with the same. Hence, the revision is dismissed. The miscellaneous petitions, if any, pending in this revision shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

17th February, 2017.
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