

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.10.2018

Coram

The Honourable Ms.Justice P.T.ASHA

**C.R.P(PD)No.2138 of 2012
and
M.P.No.1 of 2012**

N.Saminathan

...Petitioner

Versus

1.M.Govindasamy Gounder
2.Natchimuthu Gounder (Died)
3.Govindammal
4.Achiammal
5.Sundarammal
6.Natchimuthu Gounder
7.Velusamy
8.Baby

...Respondents

This Civil Revision Petition is filed under Article 227 of the Constitution of India praying to set aside the fair and final order dated 28.02.2010 made in Tr.O.P.No.414 of 2011 on the file of the Principal District Judge, Coimbatore.

For Petitioner : Mr.K.S.Karthika Raja

For Respondent - 1 : Mr.R.Vinoth Raja
for M/s.N.Manokaran

Respondent - 2 : Died

Respondents - 3 to 8 : No Appearance

ORDER

This Civil Revision Petition is filed challenging the order of the learned Principal District Judge, Coimbatore in Tr.O.P.No.414 of 2011 dated 28.02.2012, in and by which the learned Judge had dismissed the transfer petition filed by the revision petitioner herein.

2. The revision petitioner has filed Tr.O.P.No.414 of 2011 to have the suit O.S.No.481 of 2005 filed by him on the file of the District Munsif Court, Tirupur to be withdrawn and transferred to the file of the Additional Subordinate Judge, Tirupur with O.S.No.281 of 2005 filed by the first respondent herein. The said petition was dismissed by the learned Principal District Judge, Coimbatore on the following grounds:

"At the time of argument it is admitted that the suit in O.S.No.481 of 2005 is after full trial posted for delivering judgments. The application has been filed set asiding. Therefore, no order can be passed for joint trial as prayed for in the petition."

3. I do not find any infirmity in the order passed by the learned Principal District Judge, Coimbatore.

4. In the result, this Civil Revision Petition is dismissed. The learned District Munsif, Tirupur and the learned Additional Subordinate Judge, Tirupur are directed to dispose of the respective suit O.S.Nos.481 & 281 of 2005 respectively as expeditiously as possible not later than within a period of two months from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

10.10.2018

mrr

Index: Yes/No

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P.T.ASHA, J.,

mrr

To
The Principal District Judge,
Coimbatore.



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