



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN
C.R.P. (NPD) (MD) .No.1752 of 2018

and
C.M.P. (MD) No.7619 of 2018

WEB COPY

M.Mohamed Razul ... Petitioner
Vs.
T.S.N.M.K.M.Mohammed Sulaiman ... Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the petition order dated 20.02.2018 made in Transfer.O.P.No.49 of 2017 on the file of the Principal District Judge, Madurai for transferring the suit in O.S.No.400 of 2014 filed by the petitioner on the file of Additional District Munsif, Madurai Town to the Court of Principal District Munsif, Madurai Town to try along with the suit in O.S.No.425 of 2014.

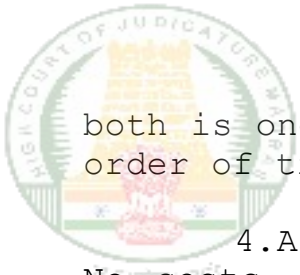
For petitioners : Mr.S.Ramasamy

O R D E R

The petitioner is the plaintiff in O.S.No.400 of 2014 on the file of the Additional District Munsif Court, Madurai. It is a suit for permanent injunction. He is the defendant in O.S.No.425 of 2014 on the file of the Principal District Munsif, Madurai. However, the plaintiff in this case is one T.S.N.M.K.M.Mohammed Sulaiman. The defendant in O.S.No.400 of 2014 filed by the petitioner herein, is one Deivarajan. However, the suit property is one and the same. The learned Principal District Judge, Madurai, by order dated 20.02.2018, in Transfer.O.P.No.49 of 2017, transferred O.S.No.400 of 2014 from the file of Additional District Munsif, Madurai town, to be tried along with O.S.No.425 of 2014 on the file of the Principal District Munsif, Madurai Town. This order is challenged in this Civil Revision Petition.

2.The learned counsel for the petitioner herein submitted that while the petitioner is the plaintiff in one suit and is the defendant in the other suit, the other parties are not one and the same. The defendant in O.S.No.400 of 2014 is one Deivarajan, whereas the plaintiff in O.S.No.425 of 2014 is one T.S.N.M.K.M.Mohammed Sulaiman. Therefore, he wanted this Court, to set aside the order passed in the Transfer.O.P.No.49 of 2017.

3.I am unable to agree the said submission. Eventhough,
<https://hcservices.ecourts.gov.in/hcservices/>
the learned counsel for the petitioner is factually correct, it is seen that both are suits for injunction and the suit property in



both is one and the same and that is why the Court below passed an order of transfer. Therefore, no interference is called for.

4. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS-I)

To:

1. The Principal District Judge, Madurai.
2. The Additional District Munsif Court, Madurai.
3. The Principal District Munsif, Madurai.

+1cc to Mr.S.Ramasamy, Advocate SR.No.78993

PNN

VB/SV/SAR2/19.09.2018/2P/5C

**ORDER MADE IN
C.R.P. (NPD) (MD) .No.1752 of 2018
and
C.M.P. (MD) No.7619 of 2018
16.08.2018**