



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2018

CORAM

THE HON'BLE MRS.JUSTICE S.RAMATHILAGAM

C.R.P.(PD) (MD) No.229 of 2011

and

M.P.(MD)No.1 of 2011

S.Velusamy

... Petitioner/1st Respondent

Vs.

1.Lakshmana Perumal

... 1st Respondent/Petitioner/2nd Defendant

2.Subburaj

3.Gurusamy

4.Padmavathi

... Respondents 3 to 4/Respondents 3 to 4/
Defendants 1,3 & 4

PRAYER:- Civil Revision Petition is filed, under Article 227 of the Constitution of India, against the fair and final order in Tr.O.P.No.24 of 2009 dated 29.06.2010 on the file of the Principal District Judge, Virudhunagar District at Srivilliputtur.

For Petitioner : Mr.A.Sivaji

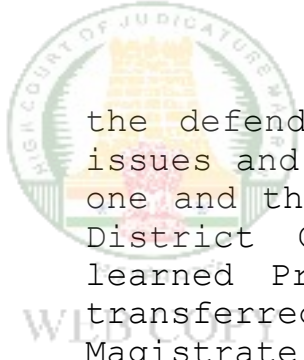
For R1 : Mr.S.Kadarkarai

For R2 to R4 : No appearance

O R D E R

This Civil Revision Petition has been filed, against the fair and final order in Tr.O.P.No.24 of 2009 dated 29.06.2010, on the file of the learned Principal District Judge, Virudhunagar District at Srivilliputtur.

2.Already, it was found that both the suits are already filed by the plaintiff before the learned Principal District Magistrate and Additional District Magistrate and the District Court has also clearly observed that in O.S.No.387 of 2003 and in O.S.No.1020 of 2004, the cause of action are one and the same and the reliefs are to be granted in both the suits are one and the same. But the case is pending before the learned Principal District Magistrate, Srivilliputhur in O.S.No.1020 of 2004. The properties are shown in second schedule in O.S.No.387 of 2003, which is pending before learned Additional District Magistrate, Srivilliputtur, only one schedule property was shown. In both the cases, the plaintiff and



the defendants have raised the same contention hence, the legal issues and factual aspects are to be decided in both the suits are one and the same. Hence, it was ordered by the learned Principal District Court that O.S.No.1020 of 2004, pending before the learned Principal District Magistrate, Srivilliputtur is to be transferred to the file of the learned Additional District Magistrate, Srivilliputtur for joint trial.

3.On a perusal of the records and also the arguments by both side counsels and the observation made by the District Court that transferring the case pending before the learned Principal District Munsif to the learned Additional District Munsif Court will in no way cause any prejudice to either of the parties.

4.Hence, in view of the above, this Civil Revision Petition is dismissed and the order passed by the District Court in Tr.O.P.No.24 of 2009 is confirmed and the learned Additional District Munsif Court is directed to dispose of the case within a period of three months from the date of receipt of copy of this order, by giving very short adjournment. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

The Principal District Judge,
Virudhunagar District at Srivilliputhur.

+ 1 cc TO Mr.S.Kadarkarai , Advocate in SR No. 45644

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AE/RSK/SAR1/02.05.2018/2P/3C

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