



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2019

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THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

C.R.P. (MD) No.1419 of 2019
and
C.M.P(MD) No.7547 of 2019

1.S.Ramanujam
2.S.Swaminathan
3.R.Thaiyalnayakhi
4.R.Nagarethinam
5.R.Kalyanasundaram
6.R.Rajasekaran
7.S.Palani

... Petitioners

Vs.

1.R.Thanuja

2.The Sub Registrar,
Thiruvidaimarudur,
Having Office at
Mayiladuthurai Main Road,
Thiruvidaimarudur Village and Post,
Kumbakonam Munsifi,
Thanjavur District.

3.The District Registrar,
Kumbakonam,
Having Office at
Dr.Murthy Road,
Kumbakonam Town and Munsif,
Thanjavur District.

4.Government of Tamilnadu,
Rep. by its District Collector,
Thanjavur,
and having office at
Collector Office,
Trichy Main Road,
Thanjavur Town and Munsif.

... Respondents

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, against the order and decree dated 02.07.2019 made in transfer Original Petition No.139 of 2018 on the file of the Principal District Judge, Thanjavur.



For Petitioner : Mr.A.Saravanan

For R-2 and R-3 : Mr.M.Murugan
Government Advocate

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ORDER

The petitioners are the respondents 1 to 7 in Transfer Original Petition No.139 of 2018 on the file of the Principal District Judge, Thanjavur. They preferred this civil revision petition to challenge the order dated 02.07.2019 made in Transfer Original Petition No.139 of 2018.

2.Before the trial Court, the first respondent herein filed an application under Section 24 of CPC and prayed to transfer the suit in O.S.No.399 of 2017 pending on the file of District Munsif Court, Kumbakonam to the Additional District Court (FTC), Kumbakonam, to be tried jointly along with O.S.No.78 of 2018 pending on the file of that Court. The learned Principal District Judge, Thanjavur, in his order dated 02.07.2019 allowed the application and transferred the suit in O.S.No.399 of 2017 from the file of the District Munsif Court, Kumbakonam to the Additional District Court (FTC), Kumbakonam. In the order passed by the learned Principal District Judge, Thanjavur, he specifically stated that since the party to the proceedings and the properties involved in both the suits are one and the same, the transfer is must.

3.In this regard, the learned counsel appearing for the petitioners would contend that even though it is stated by the learned Principal District Judge that the party to the proceedings are one and the same, actually the properties to the proceedings are different. Accordingly, he wanted to set aside the order passed in Transfer Original Petition No.139 of 2018.

4.Now on going through the copy of the complaints pertaining to the both suits, it is true that the party to the proceedings are not one and the same. However, when at the time of passing orders, the learned Principal District Judge, Thanjavur, has specifically stated the suit in O.S.No.399 of 2017 is transferred to the Additional District Court (FTC), Kumbakonam, only for the purpose of simultaneous trial along with O.S.No.78 of 2018, since the suit properties in both the suits are one and the same and also both the Courts having same jurisdiction. So, the order passed by the learned Principal District Judge, Thanjavur, has no way caused prejudice to the petitioners. Accordingly, I am of the considered opinion that interference in the order passed in Transfer Original Petition No.139 of 2018 by the learned Principal District Judge, Thanjavur, is not necessary.

<https://hcservices.ecourts.gov.in/hcservices/>

5.In view of the above observation, this Civil Revision



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Petition is dismissed. No costs. Consequently, connected miscellaneous is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Principal District Judge, Thanjavur.

2.The Sub Registrar,
Thiruvidaimarudur,
Mayiladuthurai Main Road,
Thiruvidaimarudur Village and Post,
Kumbakonam Munsifi,
Thanjavur District.

3.The District Registrar,
Kumbakonam,
Dr.Murthy Road,
Kumbakonam Town and Munsif,
Thanjavur District.

4.The District Collector,
Government of Tamilnadu,
Collector Office,
Trichy Main Road, Thanjavur.

+1 CC to M/s.A.SARAVANAN, Advocate (SR-82604[F] dated 21/08/2019)

+1 CC to M/s.SPL GP (SR-83231[F] dated 22/08/2019)

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and
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21.08.2019

cp

JMN(18.09.2019) 3P : 7C