

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2020

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. (PD) 140 of 2020
and
C.M.P. 791 of 2020

R.Velmurugan

... Petitioner

Versus

1. R.Prema
2. R.Meganathan
3. S.Premakala
4. R.Harikrishnan
5. D.Govindaraj

... Respondents

PRAYER : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the order dated 12.12.2019 made in Tr.O.P. 107/2019, on the file of Principal District Judge, Vellore.

For Petitioner : Mr.A.Gouthaman

For Respondents : Mr.G.Poonkundran

ORDER

This Civil Revision Petition has been filed against the order dismissing the petitioner's application to transfer the suit in O.S. 29 of 2019, which is pending on the file of Principal District Munsif, Vellore, and the same to be tried along with other four suits pending on the file of Addl. District Munsif Court, Vellore.

2. According to the petitioner, there are totally five suits filed against him. In all the suits, the petitioner is a sole defendant. Even though five suits have been filed in respect of different properties, the issue between the parties are one and the same. Further, the documents to be marked in all the suits and also the evidence in all the suits are one and the same. When the other four suits are pending on the file of Addl. District Munsif, Vellore, the present suit is only pending on the file of Principal District Munsif Court, Vellore seeking for transfer of that suit, the petitioner has filed the present application, which came to be dismissed without considering the facts in proper perspective. Hence, the present Civil Revision Petition has been filed.

3. Mr.G.Poonkundran, learned counsel for respondent appeared would contend that, even though the petitioner and plaintiffs are closely related, and the suits have been filed for different properties. Hence, there is no necessity to try the present suit along with other four suits.

4. It is an admitted fact that, the petitioner is sole defendant in all the Suits. It is also admitted that, the parties are closely related, and it is stated that evidence to be let in all the suits as well as documents to be marked are one and the same, and so far, the issues are not framed in all the suits.

5. Considering the above circumstances, I am of the view that, the present suit viz., O.S. 29 of 2019, pending on the file of Principal District Munsif, Vellore is to be transferred to the file of Addl. District Munsif, Vellore, and to be tried along with other suits pending on the file of Addl. District Munsif, Vellore, by transferring the suit, no prejudice would be caused to the respondents/plaintiffs. Hence, I am inclined to set aside the order dated 12.12.2019 passed by the court below in Tr.O.P. 107 of 2019, on the file of Principal District Judge, Vellore, and the suit in O.S. 29 of 2019, pending on the file of Principal District

Munsif, Vellore is hereby withdrawn and transferred to the file of Addl. District Munsif, Vellore, thereby the same is to be tried along with other suits in O.S.18, 28, 30 and 90 of 2019 pending on the file of Addl. District Munsif, Vellore. The Trial Court is directed to frame the issues, proceed with the trial and dispose the same as expeditiously as possible. Accordingly, this Civil Revision Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition in C.M.P. 791 of 2020 is closed.

21.01.2020

Index:Yes/No
Internet:Yes
Speaking/Non-speaking order
rpp

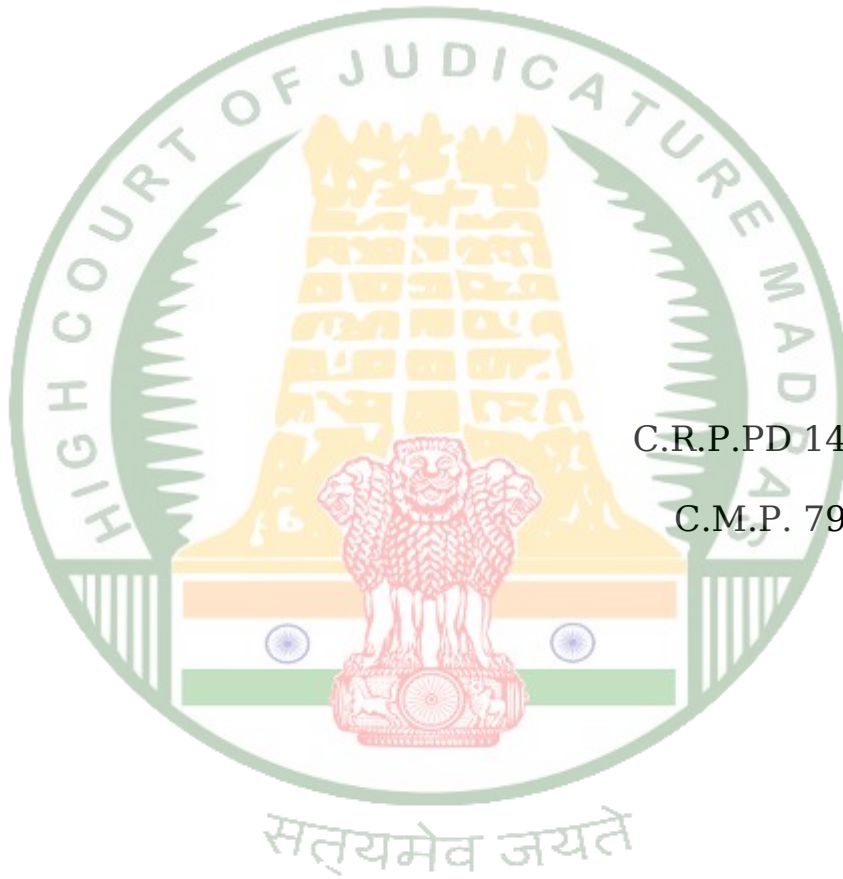
To

Principal District Judge,
Vellore.

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V.BHARATHIDASAN,J.

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