



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2020

CORAM

THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

C.R.P.(PD)(MD)No.1783 of 2015
and
M.P.(MD)Nos.1 and 2 of 2015

1.A.Indumatthi
2.Thangadurai : Petitioners

.. Vs ..

1.M.Ashok Kumar
2.Kosalai
3.Bala Krishnan : Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order, dated 27.02.2015 made in T.O.P.No.231 of 2012 on the file of the District Court, Kanyakumari at Nagercoil.

For Petitioners :Mr.S.Ramasamy
For R1 and R3 :No appearance
For R2 :Mr.D.Sivaraman

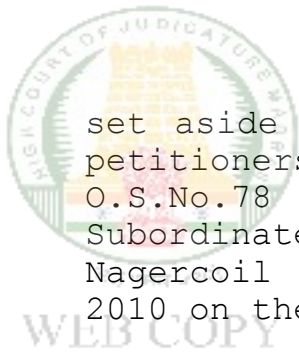
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ORDER

This Civil Revision Petition is directed against the order passed by the learned District Judge, Kanyakumari, in T.O.P.No.231 of 2012, dated 27.02.2015, dismissing the petition filed by the revision petitioners to transfer the suit in O.S.No.78 of 2011 pending on the file of the II Additional Subordinate Court, Nagercoil to I Additional Subordinate Court, Nagercoil in order to conduct joint trial along with O.S.No.329 of 2010 on the file of the I Additional Subordinate Court, Nagercoil.

2.Heard the learned Counsel appearing for the petitioners and the learned Counsel appearing for the second respondent.

3.The suit in O.S.No.78 of 2011 is for specific performance of a contract. The second petitioner is the second defendant in O.S.No.329 of 2010 pending on the file of the I Additional Subordinate Court, Nagercoil. The suit in O.S.No.329 of 2010 is to



set aside a sale deed and for permanent injunction. The revision petitioners have filed T.O.P.No.231 of 2012 to transfer the suit in O.S.No.78 of 2011 pending on the file of the II Additional Subordinate Court, Nagercoil to I Additional Subordinate Court, Nagercoil in order to conduct joint trial along with O.S.No.329 of 2010 on the file of the I Additional Subordinate Court, Nagercoil.

4.Though the suit property is same in both suits, it is admitted that the parties are different in both suits. However, the revision petitioners wanted both suits to be decided by the same Court to avoid conflict of decisions. The learned District Judge, Kanyakumari, after perusing the copy of plaint in both suits, found that the parties in both suits are different and the reliefs prayed for in both suits are also different and accordingly, dismissed the said petition. Aggrieved by the same, the above revision petition is filed.

5.Having regard to the facts and circumstances of the case, this Court is of the view that the trial Court has rightly pointed out that the pleadings, parties and reliefs are entirely different in both cases and the nature of evidence required to be produced in both cases will also be different. Merely because, the defendants 1 and 2 in the respective suits are husband and wife, this Court is unable to find any reason for having a joint trial. No other valid ground or reason to interfere with the order of lower Court.

6.Accordingly, this Civil Revision Petition is dismissed and the order of learned District Judge, Kanyakumari, in T.O.P.No.231 of 2012, dated 27.02.2015, is confirmed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Cmr

To

The District Judge,
Kanyakumari at Nagercoil.

+1 CC to MR.D. SARAVANAN, Advocate (SR-18285[F] dated 28/09/2020)

C.R.P. (PD) (MD)No.1783 of 2015
24.09.2020

VB (05.10.2020) 2P 3C

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