

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

**C.R.P.(PD).No.2161 of 2018**  
**and C.M.P.No.13466 of 2018**

Kalaivani

... Petitioner

Vs

1.Govindaraj @ Abdullah  
2.Fathima  
3.Shivaji  
4.Karappannan

... Respondents

**Prayer:** Civil Revision Petition filed under Article 227 of Constitution of India, against the order passed in Tr.O.P.No.252 of 2016 on the file of the Court of Principal District Judge, Salem dated 14.02.2018.

For Petitioner : Mr.M.Devaraj

For Respondents : Mr.N.Manokaran

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**ORDER**

This Civil Revision Petition is filed against the order passed in Tr.O.P.No.252 of 2016 on the file of the Court of Principal District Judge, Salem dated 14.02.2018, thereby allowing the petition for transfer.

2. The petitioner is the plaintiff in O.S.No.172 of 2012. She filed the suit for declaration and injunction in respect of the suit property as against the first and second respondents herein on the file of the Sub Court, Mettur. In the very same property, the third respondent herein already filed the suit in O.S.No.406 of 2011 for bare injunction on the file of the District Munsif Court, Omalur. Therefore, the respondents 1 and 2 herein filed a transfer petition to transfer the suit filed by the third respondent herein to be withdrawn from the file of the District Munsif Court, Omalur and transfer the same to the file of Sub Court, Mettur to try along with the suit filed by the petitioner herein.

3. Though the petitioner filed the suit on the file of the Sub Court, Mettur, subsequently new Sub Court has been constituted at Omalur. The suit filed by the petitioner has been transferred to the file of Sub Court, Omalur. That apart, the respondents 1 and 2 filed transfer petition only to transfer the suit filed by the third respondent to try along with the suit property by the petitioner herein.

4. Now both the suits are pending in the same Court namely the Sub

Court, Omalur. Further the Court below ordered to transfer of the suit and observed that the transferee Court shall be decide whether these cases have to be tried jointly or simultaneously. Because, the transfer of the suit from the file of the Sub Court, Mettur to the file of Sub Court, Omalur no prejudice will be caused to the petitioner herein and naturally this Court finds no infirmity or irregularity in the order passed by the Court below.

5. In the result, this Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No order as to costs.

23.04.2021

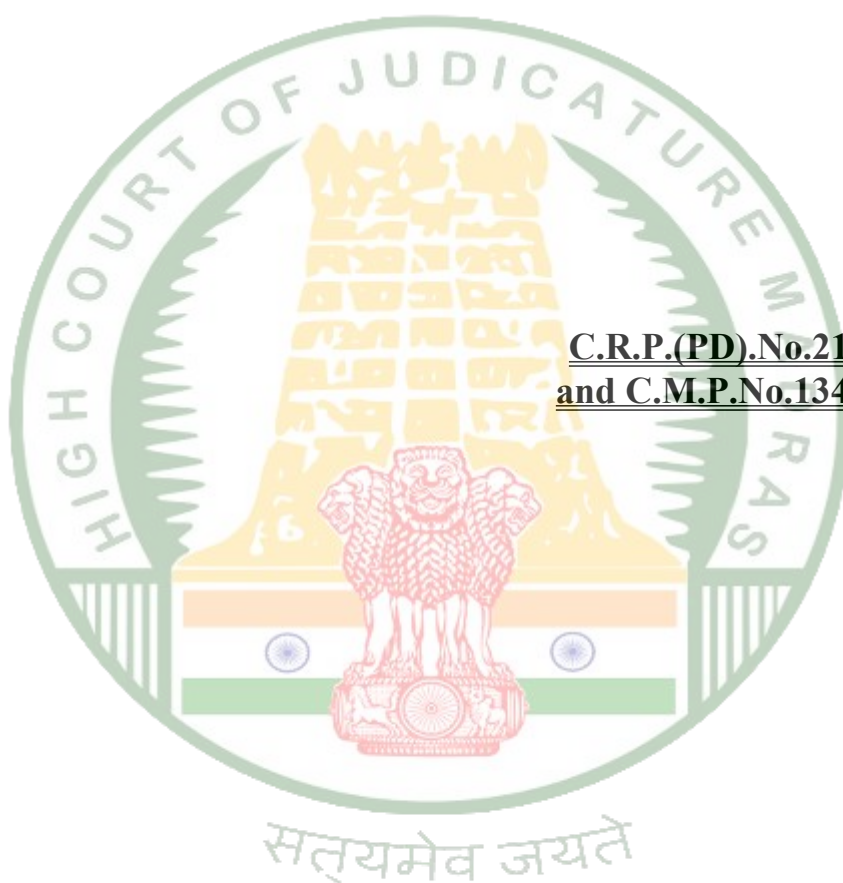
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Index:Yes/No  
Speaking/Non speaking order  
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To

The Principal District Judge,  
Salem.

**G.K.ILANTHIRAIYAN. J,**

rna



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