

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2021

C O R A M

THE HON'BLE MR. JUSTICE **KRISHNAN RAMASAMY**

C.R.P.(PD)No.732 of 2018
and CMP No.3731 of 2018

V.Radhakrishnan

.... Petitioner

Vs

1.Mathisekar
2.Selvarani

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, prayed to set aside the fair and decreetal order dated 02.02.2018 passed in Tr.O.P.No.61 of 2017 in O.S.No.66 of 2017 on the file of Principal District Court, Cuddalore and allow the same.

For Petitioner : Mr.V.Balamurugane
For Respondents : Mr.R.Venkatajalapthy

ORDER

Challenging the fair and decreetal order passed in Tr.O.P.No.61 of 2017 passed in O.S.No.66 of 2017 on the file of Principal District Court, Cuddalore, the plaintiff has filed the above Civil Revision Petition.

2. The plaintiff has filed a transfer petition in Tr.O.P.No.61 of 2017 before the Principal District Court, Cuddalore to transfer the suit in O.S.No.66 of 2017, pending on the file of District Munsif, Panruti to the file of Sub Court, Panruti to be jointly tried with O.S.No.81/2017, pending on the file of Sub Court, Panruti. After hearing the parties and perusing the records, the Court below dismissed the petition in Tr.O.P.No.61 of 2017 stating that the relief and cause of action in both the suits are different and there is no need to try both the suits together. Aggrieved by the said order, the revision petitioner/plaintiff has filed the present revision.

3. Today when the matter is taken up for hearing, learned counsel for both sides submit that due to reconstitution of the Courts at Cuddalore District, the suit in O.S.No.66 of 2017, pending on the file of District Munsif, Panruti has been transferred to District Munsif, Kurinjipadi and renumbered as O.S.No.199 of 2019. The suit in O.S.No.81/2017, pending on the file of Sub Court, Panruti has been transferred to Sub Court, Neyveli and renumbered as O.S No.152 of 2019 and therefore, both the suits can be transferred either to

District Munsif, Kurinjipadi or Sub Court, Neyveli, preferably, to Sub Court, Neyveli.

4.Heard both sides and perused the materials available on records.

5.It appears that originally the suit in O.S.No.81 of 2017 was filed for specific performance and the suit in O.S.No.66 of 2017 was filed by the respondents herein for bare injunction restraining the defendant therein from entering into the suit properties. Though cause of action in both the suits are different, if one Court decides the matter, a comprehensive order may be passed. In case, these matters are heard by different Courts and two different orders are passed, it will create unnecessary complication to the parties when the subject matter of the suit property is one and the same. Therefore, this Court feels that it is proper to transfer the suit in O.S.No.199 of 2019, pending on the file of District Munsif, Kurinjipadi to the file of Sub Court, Neyveli and Sub Court, Neyveli is directed to hear O.S.No.199 of 2019 along with O.S.No.152 of 2019.

6.The District Munsif, Kurinjipadi is directed to send the entire case records pertaining to O.S.No.199 of 2019 to the file of Sub Court, Neyveli forthwith.

7.Since both the suits are of the year 2017, the Sub Judge, Neyveli is directed to dispose of both the suits in O.S.Nos.152 and 199 of 2019 within a period of six months from the date of receipt of a copy of this order.

8.With the above direction, the civil revision petition is ordered. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Internet:Yes/No

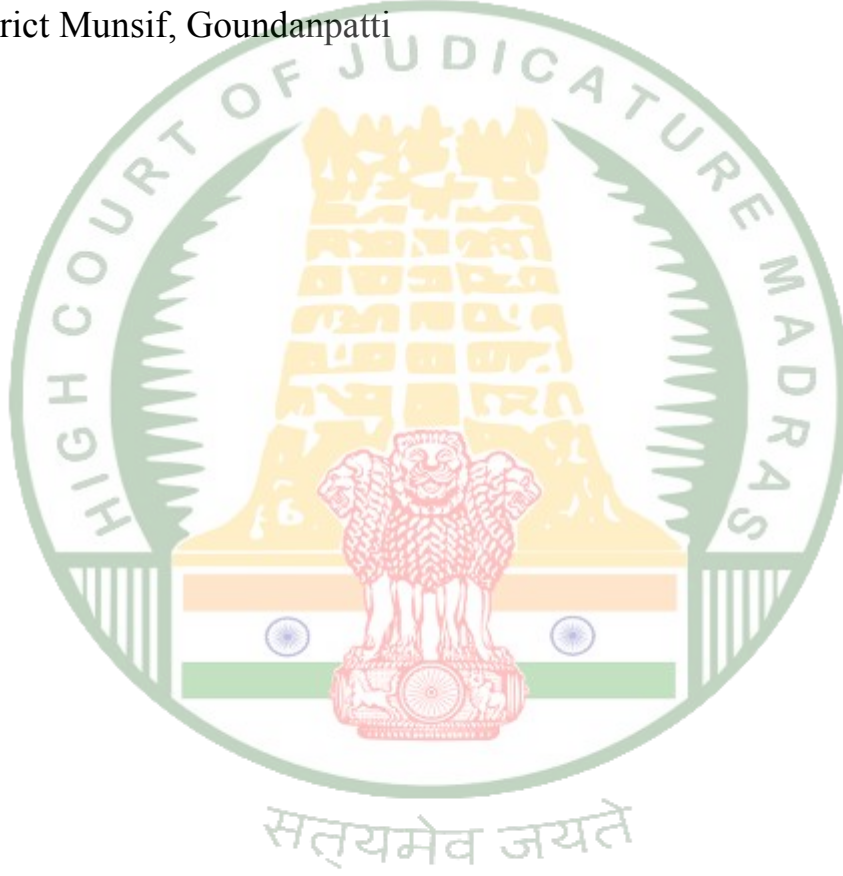
Speaking order/Non-speaking order

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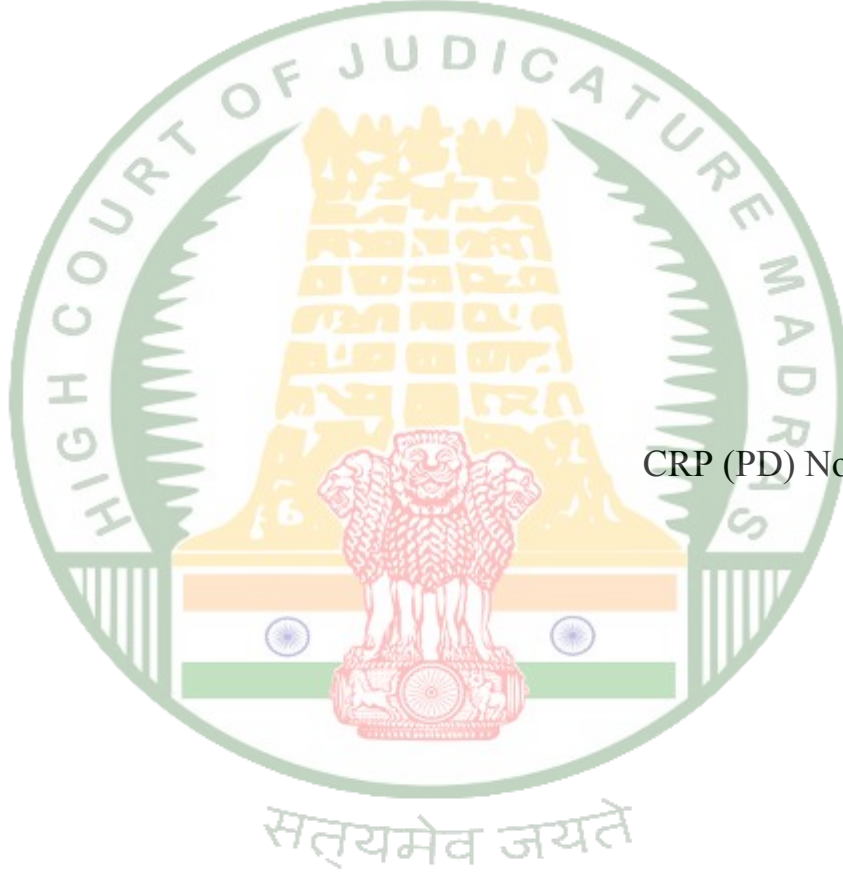
1. The Principal District Court, Cuddalore
2. The Sub Court, Panruti
3. The Sub Court, Neyveli
2. The District Munsif, Panruti
3. The District Munsif, Goundanpatti



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KRISHNAN RAMASAMY,J.

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