



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2021

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P. (MD) .No.548 of 2020

and

C.M.P(MD)Nos.3428 and 3429 of 2020

P.Sumathi

...Petitioner/Petitioner

Vs.

M.Kalimuthan

...Respondent/Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records relating to order and decreetal order, dated 30.09.2019 made in Tr.O.P.No.13 of 2018 on the file of the Principal District Judge, Sivagangai and set aside the same and consequently allow the Civil Revision Petition.

For Petitioner : Mr.J.Anandkumar
For Respondent : Mr.D.Pandiarajan
for Mr.A.Murali Kumar

O R D E R

This Civil Revision Petition has been filed to set aside the fair and decreetal order, dated 30.09.2019 made in Tr.O.P.No.13 of 2018 on the file of the learned Principal District Judge, Sivagangai.

2.The said Tr.O.P.No.13 of 2018 was filed by the petitioner to transfer O.S.No.87 of 2014 from the file of the District Munsif Court, Devakottai to the file of the Sub-Court, Devakottai to be tried along with O.S.No.69 of 2014 pending on the file of the Sub-Court, Devakottai and the same was dismissed by the Court below. Aggrieved by the said order the revision petitioner herein is before this Court.

3.In both suits, the parties are same and the properties are also same. The respondent admitted in his written statement filed in O.S.No.87 of 2014 stating that the respondent will try to stall the decree passed in O.S.No.69 of 2014 using the judgment and decree passed by the Court below. If permanent injunction regarding the suit properties is granted in favour of the respondent as against the petitioner, then the respondent will not discharge the borrowed amount from the petitioner and he will use the judgment and decree



of the Court to prevent the petitioner from proceeding further. So the remedy, that is to be decided in both the suits are also same. There is no harm to the respondent, when both the suits tried by one Court.

4. In view of above, this Civil Revision Petition is allowed and the order, dated 30.09.2019 made in Tr.O.P.No.13 of 2048 by the learned Principal District Judge, Sivagangai, is set aside. The suit in O.S.No.87 of 2014 pending on the file of the District Munsif Court, Devakottai is ordered to be transferred to the file of Sub-Court, Devakottai. The learned District Munsif, Devakottai is directed to transmit the entire records in O.S.No.87 of 2014 to the Sub-Court, Devakottai and the learned Sub Judge, Devakottai is directed to try the suit in O.S.No.87 of 2014 along with O.S.No.69 of 2014 and dispose of the same in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsd

Note In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Principal District Judge,
Sivagangai.

2.The District Munsif,
Devakottai.

3.The Sub-Judge,
Devakottai.

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SRK (CO)

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