



C.R.P(PD).No.262 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P(PD).No.262 of 2022

and

C.M.P.No.1287 of 2022

C.Ashok Kumar

... Petitioner

Vs

1. Malliga

2. Muthu Kumar

3. Ganapathi Subramniam

... Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, pleased to set aside the impugned order dated 21.09.2021 passed by the Hon'ble Principal District Judge, Salem dismissing the transfer petition in Tr.O.P.No.1 of 2021 and withdraw and transfer the suit in O.S.No.760 of 2010 pending on the file of the IV Additional District Munsif, Salem to the file of the 1st



C.R.P(PD).No.262 of 2022

Additional District Munsif, Salem and order for joint trial along with the suit in

O.S.No.302 of 2019 vice versa.

For Petitioner : Mr.S.Kumar

For Respondents : Mr.P.Jagadeesan

ORDER

This Civil Revision Petition has been preferred challenging the order dated 21.09.2021 of the learned Principal District Judge, Salem, made in the transfer petition in Tr.O.P.No.1 of 2021.

2. The revision petitioner is the plaintiff in O.S.No.302 of 2019, pending on the file of the 1st Additional District Munsif, Salem and the defendant in O.S.No.760 of 2010 pending on the file of the IV Additional District Munsif, Salem. The revision petitioner has filed a petition under Section 24 of Cr.P.C., seeking to transfer the suit in O.S.No.760 of 2010, pending on the file of the IV Additional District Munsif, Salem to the learned 1st Additional District Munsif,



C.R.P(PD).No.262 of 2022

Salem for joint trial along with O.S.No.302 of 2019 and the same was dismissed.

Aggrieved over that, the petitioner has preferred this Civil Revision Petition.

3. Learned counsel for the petitioner submitted that both the suits i.e., O.S.Nos.760 of 2010 and 302 of 2019 are connected and if they are not tried together, there may be conflict of decisions and hence, the order of the learned Principal District Judge, Salem, dismissing the transfer petition in Tr.O.P.No.1 of 2021 has to be set aside and the suit in O.S.No.760 of 2010 has to be transferred from the file of the IV Additional District Munsif, Salem to the file of the 1st Additional District Munsif, Salem.

4. It is reliably learned that in O.S.No.760 of 2010, the trial has already been commenced and the plaintiff's side evidence was completed and the case is posted to defence side witnesses. The trial in O.S.No.302 of 2019 is yet to be commenced. At this stage, both the suits cannot be ordered to be tried jointly. The learned trial Judge has rightly observed that there is no possibility for joint trial in view of the different stages of the suits. In one suit, the trial is almost over and in



C.R.P(PD).No.262 of 2022

the another suit, the trial is yet to be commenced. The learned trial Judge had rightly dismissed the transfer application and I do not find any reasons for interference.

5. Accordingly, this Civil Revision Petition is dismissed and the order dated 21.09.2021 passed by the Hon'ble Principal District Judge, Salem in Tr.O.P.No.1 of 2021 is hereby confirmed. Consequently, the connected miscellaneous petition is closed. No costs.

27.06.2022

rgi

Index : Yes
Internet : Yes
Speaking Order



C.R.P(PD).No.262 of 2022

WEB COPY

- To
1. The Principal District Judge, Salem.
 2. The IV Additional District Munsif, Salem.
 3. The I Additional District Munsif, Salem
 4. The Section Officer,
VR Section, Madras High Court,
Chennai.



WEB COPY



C.R.P(PD).No.262 of 2022

R.N.MANJULA, J.

rgi

C.R.P(PD).No.262 of 2022
and C.M.P.No.1287 of 2022

27.06.2022