



C.R.P(PD)No.3387 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM:

Mr. JUSTICE N.SESHASAYEE

C.R.P(PD)No.3387 of 2019
and C.M.P.No.22219 of 2019

1.Pappathi
2.Muthusamy
3.Sarasu
4.Mallika

... Petitioners

Vs.

Selvi

... Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of Constitution of India, against the order and decreetal order dated 20.08.2019 made in I.A.No.5 of 2019 in O.S.No.101 of 2019 on the file of the Principal District Munsif Court, Namakkal.

For Petitioners : Mr.T.Dhanyakumar

ORDER

The revision petitioners herein are the defendants 1 to 4 in O.S.No.101 of 2019. The said suit was laid for bare injunction. In this suit the defendants have taken out an application under Order VII Rule 11 C.P.C. for rejecting the



plaint for non disclosure of cause of action and the same came to be dismissed vide impugned order dated 20.08.2019. Hence the Revision.

2.Heard the learned counsel for the revision petitioner.

3.In the course of hearing, the learned counsel made a fair statement that the revision petitioners themselves have laid another suit in O.S.No.97 of 2018, interalia against the plaintiff in the present suit for partition. He submitted that the said suit is pending trial.

4.Turning to the impugned order, this Court does not find any error in the approach of the trial Court since the plaint discloses a triable issue.

5.Since the subject matter of the present suit and also the one involved in O.S.No.97 of 2018, pending on the file of Sub Court, Namakkal are same and so are the parties, it is only appropriate that both the suits are tried together.

6.Hence, this Court directs transfer of O.S.No.101 of 2019 pending on the



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file of Principal District Munsif Court, Namakkal to Sub Court, Namakkal to be tried jointly with O.S.No.97 of 2018. The transferee Court is required to issue notice to both sides of the respective counsel about the transfer.

7. With the above direction, this Civil Revision Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

09.06.2023

Index : Yes / No
Speaking / Non speaking order

kas

To.

The Principal District Munsif Court
Namakkal.

N.SESHASAYEE, J.



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