



C.R.P. (PD) No.4092 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

C.R.P. (PD) No.4092 of 2022
and C.M.P. No.21253 of 2022

K.Geetha

.. Petitioner

VS

1.P.S.Jayapal
2.R.J.Ramesh
3.Sakunthala

.. Respondents

Petition filed under Article 227 of The Constitution of India against the fair and decretal order dated 12.12.2019 made in Tr.O.P.No.249 of 2019 on the file of the Principal District Judge, Salem.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.D.Ashok Kumar for R1 & R2
R3 – Not ready in notice

ORDER

1. The Civil Revision Petition has been filed against the fair and decretal order dated 12.12.2019 passed in TR O.P.No.249 of 2019.



C.R.P. (PD) No.4092 of 2022

2. The grievance of the revision petitioner is that the revision petitioner - K.Geetha is the plaintiff in O.S.No. 4 of 2017 and she is the defendant in O.S.No.483 of 2016 instituted by the second respondent R.J.Ramesh. The suits are interconnected and one of the property in O.S.No.4 of 2017 is the property scheduled in O.S.No.483 of 2016. Thus joint trial is essential.

3. The revision petitioner filed Transfer O.P.No. 249 of 2019 to transfer the suit for joint trial. The suit was dismissed by the Principal District Court, Salem on 12.12.2019. Challenging the said order, the present revision petition has been filed on 30.11.2022 after a lapse of about three years from the date of the impugned order.

4. The transfer petition was rejected by the Court below mainly on the ground that once the suit is part-heard and the other suit was proceeding for trial, under those circumstances, it may not be possible to conduct the joint trial and thus the transfer petition filed was rejected.

5. This Court is of the considered opinion that the present revision petition itself has been instituted after a lapse of three



C.R.P. (PD) No.4092 of 2022

years from the date of passing of the order on 12.12.2019 in Transfer O.P.No.249 of 2019. That apart, once the suit has already been part-heard even in the year 2019 and the other suit was proceeded for trial, that being the finding recorded, this Court is not inclined to interfere with the same. Thus, the civil revision petition is dismissed. No costs. Connected miscellaneous petition is closed.

03.01.2023

Index : Yes/No
Neutral Citation : Yes/No
ssm

To

The Principal District Judge,
Salem.



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C.R.P. (PD) No.4092 of 2022

S.M. SUBRAMANIAM,J.

ssm

C.R.P. (PD) No.4092 of 2022

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