



C.R.P.(MD)No.2871 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(PD)(MD)No.2871 of 2023

and

C.M.P(MD)No.14936 of 2023

1.Ramachandran

2.Malathi

3.Rajashkannan

: Petitioners/Respondents/
Defendants

Vs.

1.Ravichandran

: Respondent/Petitioner/
Plaintiff in O.S.No.127/2018

2.Jothimani

: Respondent/Petitioner/
Defendant in O.S.No.127/2018

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records and set aside the fair and decretal order passed in Transfer Original Petition No.26 of 2022 in O.S.No.127 of 2018, dated 08.08.2023 on the file of the learned Principal District Judge, Sivagangai.

For Petitioners : Mr.R.Senthil Kumar



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ORDER

The Civil Revision Petition is directed against the order passed in Transfer Original Petition No.26 of 2022 in O.S.No.127 of 2018, dated 08.08.2023 on the file of the learned Principal District Judge, Sivagangai, transferring the suit in O.S.No.127 of 2018 pending on the file of the District Munsif Court, Manamadurai to the file of Sub Court, Manamadurai to try along with the suit in O.S.No.127/2019.

2. The respondents herein have filed the Transfer Original Petition and considering the objections raised by the petitioners, the Transfer Original Petition was allowed vide order, dated 08.08.2023.

3. The learned counsel for the petitioners would submit that those suits are in different survey numbers; that the parties are not one and the same and the stage in which, both suits are pending, are also different.

4. On perusing the records now available, the learned Principal District Judge has rightly observed that the properties in both the suits are situated adjacently and the property in O.S.No.127 of 2018 is situated on



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the north of the suit property in the other suit; that except the second petitioner, all other parties are one and the same and that the first suit is for bare injunction and other one is for declaration and consequential permanent injunction. The learned trial Judge, by observing that if both suits are tried separately by different Courts, there is possibility of conflicting decisions, allowed the Transfer Original Petition. The revision petitioner has not canvassed any other valid reason or ground to impugn the the transfer order.

5.Considering the above, the decision of the trial Court in transferring the case cannot be found fault with and this Court is in entire agreement with the findings recorded by the trial Court. Hence, this Court concludes the civil revision petition is devoid of merits and the same is liable to be dismissed.

6. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

06.11.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
das



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To

- 1.The Principal District Judge, Sivagangai.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
C.R.P.(PD)(MD)No.2871 of 2023
and
C.M.P(MD)No.14936 of 2023

Dated : 06.11.2023