



CRP No.404 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

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S.Savithri

... Petitioner

Vs.

1.S.Ponnurangam

2.S.Kowsalya

3.V.Kalpana

4.M.Maheshwari

5.S.Balaji

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order and decreetal order in Transfer OP No.96 of 2023 dated 18.10.2023 passed by the learned Principal Judge, City Civil Court, Chennai.

For Petitioner

: Mr.D.Simon



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ORDER

The civil revision petition is filed to set aside the order and decreetal order in Transfer OP No.96 of 2023 dated 18.10.2023 passed by the learned Principal Judge, City Civil Court, Chennai.

2. The respondents 1 to 4 are plaintiffs, fifth respondent is the first defendant and petitioner is second defendant in OS No.6648 of 2021 on the file of the learned VII Assistant City Civil Court, Chennai. The respondents 1 to 4 have filed OS No.6648 of 2021 seeking declaration to declare the settlement deed dated 19.06.2013 and the sale deed dated 01.12.2014 as null and void and consequently, permanent injunction against the petitioner and fifth respondent, who is the brother of respondents 1, 3 and 4. According to the petitioner, she has purchased the property in question from the fifth respondent and therefore, she is the absolute owner of the property in question. Earlier, the respondents 1 to 4 have filed a suit in OS No.2467 of 2019 on the file II Assistant City Civil Court seeking permanent



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injunction against the fifth respondent and the same was transferred to the VII Additional City Civil Court. Another suit in OS No.2909 of 2019 was filed by the fifth respondent, before the VII Additional, City Civil Court, Chennai for partition for the very same property. In pursuance of transfer of OS No.2467 of 2019 from the file of II Assistant City Civil Court to VII Additional City Civil Court, both OS No.2909 of 2019 and OS No.2467 of 2019 were pending before the VII Additional City Civil Court, Chennai. Thereafter, a transfer petition in Tr OP No.96 of 2023 has been filed by the respondents 1 to 4 to transfer OS No.6648 of 2021 from VII Assistant City Civil Court, Chennai to VII Additional City Civil Court, Chennai. Since all the suits were filed for the same property and were inter-linked, the learned judge, by order dated 18.10.2023, allowed the said petition and transferred the case to the VII Additional City Civil Judge, either for joint trial or simultaneous trial. Subsequently, OS No.2909 of 2019, was dismissed on 14.07.2023. The petitioner herein challenging the order dated 18.10.2023 has filed the present civil revision petition on the ground that the petitioner's property is a separate property not the suit property in the said partition suit.



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3. Learned counsel for the petitioner submits that the petitioners' property is a separate property and it is not the suit property in the said partition suit. Therefore, he seeks for setting the order passed by the trial court.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. It is not disputed that the parties in OS No.2909 of 2019 and OS No.2467 of 2019 are relatives. They have filed one suit for permanent injunction and another suit for partition. Further it is not disputed that this revision petitioner has purchased the property from the fifth respondent, his vendor. For title over the property, the main prayer in OS 6648 of 2021, is to declare the settlement deed dated 19.06.2013 and the sale deed dated 01.12.2014 as null and void and consequential permanent injunction. Since all the issues involved in the said suits is with regard to the same properties and the issues involved in the said suits are between the same parties and



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the issues are inter linked, in order to avoid conflicting decisions, the learned Judge has transferred OS No.6648 of 2021 to the file of VII Additional Judge, City Civil Court, either for joint trial or simultaneous trial. I find no infirmity in the order passed by the trial court. There is no merit in the civil revision petition. Hence, the civil revision petition is dismissed. The VII Additional Judge, City Civil Court, is directed to dispose of the case as early as possible. There shall be no order as to costs. Consequently, CMP No.1948 of 2024 is closed.

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Index: Yes/No
Internet: Yes/No
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The Principal Judge, City Civil Court, Chennai.



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V.SIVAGNANAM, J.

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