



WEB COPY

CRP.No.1241 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.No.1241 of 2016

1.R.Kuppayammal
2.R.Thulasimani

...Petitioners

Vs.

1.R.Manickasundaram
2.R.Gnanasigamani
3.Alliammal
4.N.Shanmugam

...Respondents

Prayer: Civil Revision Petition filed under Section 227 of the Constitution of India, against the fair and decreetal order dated 22.02.2016 made in Tr.O.P.No.56 of 2015 on the file of the Principal District Judge, Erode.

For Petitioners : Mr.C.Munusamy

For Respondents : Served - No Appearance

ORDER

Challenge is to the order of the learned Principal District Judge, Erode in Tr.O.P.No.56 of 2015. The petitioners sought for transfer of suits in O.S.No.616 of 2009, O.S.No.414 of 2012 and the final decree



proceedings in O.S.No.1281 of 2004 pending on the file of the II-Additional District Munsif, Erode to the I-Additional Sub-Court, Erode to be tried simultaneously with O.S.No.314 of 2015.

2.The suit in O.S.No.616 of 2009 is one for permanent injunction. The suit in O.S.No.414 of 2012 is one for partition and separate possession and a final decree proceedings in O.S.No.1281 of 2004 is also pending. All these proceedings are pending before the II-Additional District Munsif, Erode and they are being tried together.

3.It is seen that the evidence of the plaintiff and the defendants 1, 2 is complete and the suits are posted for evidence of the 3rd defendant. At this juncture, the 1st petitioner filed a suit in O.S.No.314 of 2015 for a declaration before the I-Additional Sub-Court, Erode and transfer is sought for on the ground that the suit in O.S.No.314 of 2015 is pending before the I-Additional Sub-court at Erode. The other suits pending in the Court of II-Additional District Munsif, Erode are sought to be tried simultaneously with the declaration suit filed in the year 2015.



4.The learned Principal District Judge had dismissed the application on the ground that the request is belated and the suits before the II-Additional District Munsif are at their final stages, since major portion of the evidence has been recorded. I find that one of the suits namely, O.S.No.414 of 2012 is a partition suit where the 1st petitioner can project her claim of title to the property and it will be decided. Hence, I do not see any need for transfer. The learned Principal District Judge has rightly dismissed the application on the ground that it has been filed only with an intention to protract the proceedings. I am in complete agreement with the conclusions of the learned Principal District Judge, Erode.

5.This Civil Revision Petition therefore, fails and it is accordingly, dismissed. No costs.

12.01.2024

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R.SUBRAMANIAN, J.

KKN

To:-

The Principal District Court,
Erode.

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