



CRP No.2850 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2024

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

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R.Savithri

.. Petitioner

-VS-

1.K.Lakshmi  
2.K.Balamaheswari  
3.S.Anusuya  
4.S.Vijaya Priyadarshini  
5.Nagavardhini  
6.K.Arthanari

.. Respondents

Prayer: Petition filed under Article 227 of the Constitution of India against the fair and final order dated 29.04.2024 made in Tr.O.P.No.142 of 2022 on the file of Principal District Court, Erode.

For Petitioner : Mr.K.R.Nishanth

\* \* \* \* \*



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**ORDER**

This civil revision petition challenges the order passed by the learned Principal District judge, Erode, in Tr.O.P.No.142 of 2022 dated 29.04.2024.

2. The petitioner in the Court below is the civil revision petitioner. The petitioner's husband one Vajravelu was the defendant in O.S.No.442 of 2000 and in O.S.No.25 of 2004. The suit in O.S.No.442 of 2000 was presented by one K.Arthanari, the sixth respondent herein, as against the husband of the civil revision petitioner. The suit was decreed and the execution petition was levied in E.P.No.267 of 2003. Another suit was presented in O.S.No.25 of 2004. That suit too ended in a decree against the husband of the civil revision petitioner.

3. After having suffered the decree, the civil revision petitioner preferred O.S.No.281 of 2021 seeking for a declaration as against the decree obtained in O.S.No.442 of 2000 and the decree in O.S.No.25 of 2004 as null



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and void and ar not binding. Since she had presented the said suit, she wanted the execution petition to be transferred and tried along with the said suit. The learned District Judge would have nothing of it and dismissed the petition, against which the present revision.

4. The narration of the aforesaid facts would show that the husband of the civil revision petitioner is the judgment debtor in O.S.No.442 of 2000 which is a suit for recovery of money as well as the judgment debtor in O.S.No.25 of 2004 which is a suit for specific performance of an agreement of sale. The plaintiffs in both the suits are different. The plaintiff in the suit for specific performance is the predecessor in title of respondents 1 to 5. The plaintiff in O.S.No.442 of 2000 is the sixth respondent. There are no issues in common between both the suits. In fact, the question of transferring the proceedings for joint trial does not arise because the trial in O.S.No.25 of 2004 has already been concluded and it has ended in a decree. The settlement deed which has been executed in favour of the civil revision petitioner is of the year 2012, which is pending litigation. The learned District Judge has correctly appreciated the transfer petition saying that



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there are no issues in common and accordingly, dismissed the petition.

5. I have no reason to interfere with the order of the learned District Judge. The civil revision petition is, accordingly, dismissed. There shall be no order as to costs.

**05.08.2024**

Index : Yes/No

Neutral Citation : Yes/No

sra

To

The Principal District Court,  
Erode.



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**V.LAKSHMINARAYANAN, J.**

(sra)

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