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C.R.P.No.4116 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.4116 of 2019 and
C.M.P.No.26834 of 2019

N.Gurumurthy

... Petitioner

Vs.

1.Tamabaraveni
2.Maheswari @ Parvathi
3.Pankajavalli @ Mottai
4.Vijayalakshmi
5.Barathi
6.Ganesh
7.Virapathieran
8.Srinivasa

...Respondents

PRAYER: Civil Revision Petition filed Article 227 of Constitution of India, praying, praying to set aside the order in TOP.No.44 of 2017 on the file of the Principal District Court, Pondicherry dated 21.06.2019.

For Petitioner : M/s.R.Poornima

For respondents 1 to 6 &8 : Batta due

For respondents 7 : Died



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C.R.P.No.4116 of 2015



ORDER

The Civil Revision Petition is filed challenging the order passed by the Court below dismissing the application filed by the petitioner seeking transfer of O.S.No.123 of 2015 filed by the petitioner pending on the file of Additional Sub-Court, Puducherry to the file of Principal Sub-Court, Puducherry for trial along with I.A.No.398 of 2011 in O.S.No.63 of 2010.

2. The suit in O.S.No.63 of 2010 is for partition filed by respondents 1 and 2, vendors of the petitioner against other respondents and admittedly, the preliminary decree has already been passed in that suit. Thereafter, final decree application has been filed in I.A.No.398 of 2011 and the same is pending. The present suit filed by the petitioner in O.S.No.123 of 2015 is for declaration that power deeds dated 29.07.1998, 06.11.2003, sale agreements dated 08.10.2003, 25.05.2000, sale deed dated 17.09.2008 and sale agreement dated 31.03.2009 are null and void and non-est in the eye of law. The petitioner also sought for setting aside the preliminary decree passed in O.S.No.63 of 2010



C.R.P.No.4116 of 2013

and for consequential injunction.

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3. As mentioned above in O.S.No.63 of 2010, the trial is already over and preliminary decree was passed and final decree petition is pending. In O.S.No.123 of 2015 filed by the petitioner, the trial is not yet commenced. In such circumstances, joint hearing of the suit and final decree petition cannot be ordered. Hence, the Court below rightly dismissed the transfer application. I do not find any error in the order passed by the Court below and accordingly, the Civil Revision Petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

01.03.2024

Index : Yes / No

Internet : Yes / No

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To

The learned Principal District Judge, Pondicherry

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S.SOUNTHAR, J.

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