



WEB COPY



C.R.P.(PD).No.3545 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).No.3545 of 2017

and

C.M.P.Nos.16388, 16389 and 16390 of 2017

S.Rani

... Petitioner

VS

1.N.Vivekanandan

2.P.Kesavan

3.Joint Sub Registrar I,
No.54, Nellukara Street,
Kancheepuram.

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair and decretal order dated 24.06.2017 made in Review Petition No. 2 of 2016 in Tr.O.P.No.85 of 2015 on the file of the learned District Judge, District Court No. II, Kanchipuram by allowing this Civil Revision Petition.

For Petitioner : Mr.R.Prabakar



WEB COPY



C.R.P.(PD).No.3545 of 2017

For R1 : Mr.M.Vijay Anand
For R3 : Mr.V.Jeevagiridharan
Additional Government Pleader
For R2 : Dismissed vide Court order
dated 06.02.2023

ORDER

The Civil Revision Petition is filed challenging the order passed by the District Court, Kancheepuram allowing the review petition filed by the 1st respondent.

2. The 1st respondent herein filed a transfer petition in Tr.O.P.No.85 of 2015 seeking transfer of suit in O.S.No.252 of 2011 filed by him for declaration and other reliefs pending on the file of Additional District Munsif Court, Kanchipuram to the file of Principal District Munsif Court, Kanchipuram for joint trial along with O.S.Nos.253 and 251 of 2011 pending on the file of Principal District Munsif Court, Kanchipuram. The said transfer petition was ordered by transferring O.S.No.252 of 2011 for joint trial along



C.R.P.(PD).No.3545 of 2017

with O.S.Nos.253 and 251 of 2011 pending on the file of Principal District
Munsif Court, Kanchipuram.

3. Thereafter, the present review petition has been filed by the 1st respondent on the ground that the parties in the suit are different persons but the subject matter of the suit is one and the same. Therefore, the order passed in transfer petition has to be reviewed so as to make it as simultaneous trial instead of joint trial.

4. The Court below by impugned order allowed the review petition and modified the earlier order of transfer by directing the Principal District Munsif Court, Kanchipuram to take simultaneous trial of all the original suits namely O.S.Nos.251, 252 and 253 of 2011. Aggrieved by the said order, the petitioner is before this Court.

5. The learned counsel appearing for the petitioner submitted that even in the transfer application prayer, the 1st respondent sought for transfer of O.S.No.252 of 2011 from the file of Additional District Munsif Court,



C.R.P.(PD).No.3545 of 2017

Kanchipuram to the file of Principal District Munsif Court, Kanchipuram for

joint trial along with suit in O.S.Nos.253 and 251 of 2011. The learned counsel further submitted that without amending the original prayer in the transfer application, the 1st respondent is not entitled to file a review petition. It is also submitted by the learned counsel that there is no error apparent on the face of record. Therefore, the Court below ought not to have entertained the review application.

6. By impugned order, the Court below modified the earlier order of transfer and directed the Principal District Munsif Court, Kanchipuram to go for simultaneous trial of all the suits instead of joint trial.

7. The said order modifying earlier order will not cause any prejudice either to the petitioner or the respondents. It is settled law even if the order impugned in the revision is erroneous, this Court is not bound to exercise its revisional jurisdiction unless the petitioner is able to show that impugned order will cause serious prejudice to her, if it is allowed to stand. In the case on hand, if the impugned order is allowed to stand and the Trial Court



C.R.P.(PD).No.3545 of 2017

proceeds with simultaneous trial of the suit, the petitioner will not be prejudiced in any way.

8. In such circumstances, I am not inclined to exercise the revisional jurisdiction and accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected civil miscellaneous petitions are closed.

26.03.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

- 1.The District Judge,
District Court No. II,
Kanchipuram.
- 2.Joint Sub Registrar I,
No.54, Nellukara Street,
Kancheepuram.



WEB COPY



C.R.P.(PD).No.3545 of 2017

S.SOUNTHAR, J.

dm

C.R.P.(PD).No.3545 of 2017

26.03.2024