

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2020

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP.Nos.1621 & 1623 of 2014

and

M.P.Nos. 1 & 1 of 2014

C.R.P.No.1621 of 2014:

A.R.R.Vikram

...Petitioner

Versus

1.S.Latha Maheswar @ Latha

2.Rajarathinam

3.V.T.Jayasimman

...Respondents

PRAYER: This Civil Revision Petition has been filed under Section 227 of the Constitution of India to set aside the order in T.R.O.P.No.177 of 2013, dated 12.11.2013, on the file of the learned Principal District Judge, Coimbatore.

For Petitioner : Mr.V.Lakshminarayanan

For R1 & R2 : Mr.E.K.Kumaresan

For R3 : No appearance

C.R.P.No.1623 of 2014:

1.A.R.R.Vikram

2.A.R.Jaya

3.Minor.V.Samyiktha

4.Minor V.Raghav

...Petitioners

(Minors rep.by Guardian Father

A.R.Vikram, 1st Petitioner)

Vs.

1.S.Latha Maheswar @ Latha

2.R.Jhansi

A.P.Balakrishnan (Died)

3.S.Swarnakumari

4.Neela

5.A.V.Jayaprakash

6.A.V.Arumugamm

7.Minor Nandagopal

(Minor Rep.by Guardian Mother S.Kaveri)

8.C.Narayanasamy

9. The Executive Officer,
Anaimalai Town Panchayat,
Anaimalai, Pollachi Taluk.
10.Rajarathinam
11.M.Saravanan,
12.A.P.Radhabhai
13.U.Kavithakumari

...Respondents

PRAYER:

This Civil Revision Petition has been filed under Section 227 of the Constitution of India to set aside the order passed in T.R.O.P.No.188 of 2013, dated 12.11.2013, by the learned Principal District Judge, Coimbatore.

For Petitioner : Mr.V.Lakshminarayanan
For R1 & R2 : Mr.E.K.Kumaresan
For R3 to R13 : No appearance

COMMON ORDER

These Civil Revision Petitions are filed to set aside the orders passed in T.R.O.P.No.177 & 188 of 2013, dated 12.11.2013, on the file of the learned Principal District Judge, Coimbatore.

2.The learned counsel for the petitioner in both the CRPs 2014 would submit that two suits viz., O.S.Nos.21 & 87 of 2011 have been filed before the Sub Court, Pollachi, by the first respondent in both the petitions to declare that the release deed dated 24.04.2006 executed by the first defendant in favour of the plaintiff in respect of the suit schedule property is not valid under law and that it will not bind the plaintiff. While that being so, one of the party viz., S.Latha Maheswari/first respondent has filed a suit in O.S.No.97 of 2013 before the learned Principal District Judge, Coimbatore for partition and accordingly, they filed a petition in T.R.O.P.No.177, 178 & 188 of 2013. Since, all the three applications were allowed, the suits pending before the Sub Court, Pollachi were ordered to be tried along with the suit in O.S.No.97 of 2013, which is pending before the III Additional District Court, Coimbatore. However, due to the some communication gap, it appears that the learned III Additional District Judge has independently disposed of the suit in O.S.No.97 of 2013. As against the judgment and decree passed in O.S.No.97 of 2013, a regular appeal is said to have been pending before this Court.

3.Heard the learned counsel appearing for the petitioner in both petitions and learned counsel appearing for the respondents 1 and 2 in both the petitions.

4.It appears from the records that pursuant to the orders passed in T.R.O.P.Nos.177 of 2011 & 188 of 2013, the suits in O.S.Nos.21 & 87 of 2011 in Sub Court, Pollachi, were transferred to the III Additional District Court, Coimbatore and also renumbered as O.S.Nos.328 of 2017 & 560 of 2015.

5.At this juncture, this Court is not wish to proceed further except to say that in view of the disposal of the suit in O.S.No.97 of 2013, the other two suits viz., O.S.No. 21 & 87 of 2011 from the III Additional District Court, Coimbatore, has to be transferred to Sub Court, Pollachi and original case number has to be restored and to be disposed of in accordance with law, after issuing notice to both the parties.

6.With these observations, these Civil Revision Petitions are disposed of and the III Additional District Court, Coimbatore is directed to send back case bundles in respect of the O.S.Nos.21 & 87 of 2011, to the Sub Court, Pollachi, within a period of three weeks from the date of receipt of a copy of this order and the Sub Court, Pollachi is directed to restore the original case number and to take on file and to dispose of the suit within a period of four months thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

7.In view of the subsequent position developed resulting in passing of the judgment in O.S.No.97 of 2013, the above order has been passed without prejudice to the contention of the rival parties.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dua

To

1. The Principal District Judge, Coimbatore.

Copy To

1. The IIIrd Additional District Judge, Coimbatore.

2. The Sub Judge, Pollachi.

+1cc to Mr.E.K.Kumaresan, Advocate, S.R.No.1169

CRP.Nos.1621 & 1623 of 2014
and

M.P.Nos. 1 & 1 of 2014

SSI(CO)
CS/19/02/2020