



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.02.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S.ANANTHI

C.R.P (MD).No.431 of 2021

and

C.M.P (MD)No.2349 of 2021

R.Sundaravadivel ... Petitioner/3rd Respondent

Vs.

1.The Regional Transport Authority
Cum District Collector,
Dindigul,
Dindigul District.

2.Y.Bharathi, ...1st & 2nd Respondents/
1st & 2nd Respondents

3.M.Parameswaran ...3rd Respondent/Appellant

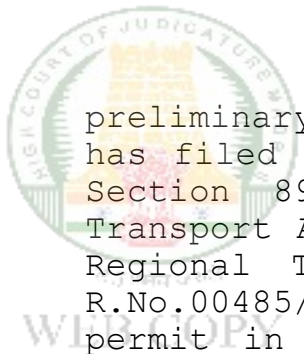
PRAYER : This Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow the Civil Revision Petition by setting aside the final order passed in Appeal No.34 of 2018, dated 08.12.2020 by the State Transport Appellate Tribunal, Chennai.

For Petitioner	: Mr.N.S.Karthikeyan
For R1	: Mr.S.Kameshwaran
For R2	: No Appearance
For R3	: Mr.T.Padmanabhan

O R D E R

This Civil Revision Petition has been filed to set aside the final order passed in M.V.Appeal No.34 of 2018, dated 08.12.2020 by the State Transport Appellate Tribunal, Chennai.

2.The learned counsel for the petitioner submitted that the suit in O.S.No.12 of 2006 was filed by the third respondent herein before the learned IV Additional District Judge, Madurai, seeking for partition against his father and others, in which, preliminary decree was passed on 10.07.2013. In the meantime, the third respondent's brothers and sisters approached by this Court in by way of C.M.P(MD)Nos.8566, 8567 and 8568 of 2017 in A.S.Nos.145, 146 and 147 of 2017 and they obtained interim stay of trial Court



preliminary decree on 11.10.2017. But the third respondent/appellant has filed a Motor Vehicle Appeal in M.V.Appeal.No.34 of 2018 under Section 89(1)(b) of the Motor Vehicle Act, before the State Transport Appellate Tribunal, Chennai, challenging the order of the Regional Transport Authority, Dindigul, made in proceedings in R.No.00485/A3/2018, dated 02.05.2018, allowing the transfer of permit in respect of stage carriage TN-57-AX-4664 plying on the route 1.Periyakulam to Madurai (via) Batlagundu, 2.Periyakulam to Theni and 3.Theni to Dindigul (via) Periyakulam from the name of Y.Bharathi/2nd respondent to R.Sundaravadivel/appellant, which was allowed by the State Transport Appellate Tribunal, Chennai on 08.12.2020. Aggrieved by the said order, the revision petitioner has filed this Civil Revision Petition.

3.A perusal of records would show that already in a partition suit, a preliminary decree was passed between the brothers, including respondent. Now, the appeal is pending against the preliminary decree in C.M.P(MD)Nos.8566, 8567 and 8568 of 2017 in A.S.Nos.145, 146 and 147 of 2017. Without deciding the rights of the respondent in preliminary decree, this matter cannot be decided. The learned counsel for the respondent have no objection to ply the vehicle by the revision petitioner till the disposal of the appeal, since rights of the parties parties can be decided only in the appeal.

4.In view of above, this Civil Revision Petition is closed with a direction that the respondent shall not disturb ply of the vehicle by the revision petitioner and the revision petitioner is also shall not transfer the permit till the disposal of the appeal. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The State Transport Appellate Tribunal,
Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Regional Transport Authority cum District Collector,
Dindigul,
Dindigul District.

+1 CC to M/s.N.S.KARTHIKEYAN, Advocate (SR-7556[F] dated 21/02/2022

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KG (CO)
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