



WA (MD) No. 1225 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.11.2022

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE J. SATHYA NARAYANA PRASAD

Writ Appeal (MD) No. 1225 of 2022
and
C.M.P. (MD) No. 9508 of 2022

1. M. Mohamed Jamil
2. Mohamed Thowbieck

.. Appellants

Versus

1. Mrs. S.K.A. Noorjahan Beevi
2. The Secretary
Regional Transport Authority
Sivagangai
3. The Regional Transport Authority
Sivagangai District
Sivagangai

.. Respondents

Appeal filed under Clause 15 of Letters Patent against the order dated 16.06.2022 passed in WP (MD) No. 466 of 2022 on the file of this Court.

For Appellant : Mr. M. Palani

For Respondents : Mr. J. Anand Kumar for R1

Mr. S.P. Maharajan
Special Government Pleader for RR2 & 3



WA (MD) No. 1225 of 2022

ORDER

(Order of the Court was made by R. MAHADEVAN, J)

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The appellants are the respondents 3 and 4 in the Writ Petition (MD) No. 466 of 2022 filed by the first respondent herein. The appellants are the sons of the first respondent in this appeal.

2. The first respondent herein/Mother has filed the Writ Petition (MD) No. 466 of 2022 praying to issue a Writ of Mandamus directing the respondents 1 and 2 therein to consider the application dated 08.11.2022 submitted by her to grant replacement in respect of the vehicle bearing Registration No. TN 51 AA 4017 instead of TN 65 Y 9516 plying on the route Paramakudi to Thiruppathur.

3. Before the learned Judge, six other writ petitions connected with the Writ Petition (MD) No. 466 of 2022 were also listed for hearing. By a common order dated 16.06.2022, the learned Judge refused to grant the relief of Mandamus sought for by the first respondent herein/writ petitioner in WP (MD) No. 466 of 2022 on the ground that the original documents such as permits, fitness certificate and registration certificate in respect of the vehicle in question are in possession of the appellants, who are sons of the first respondent, even though the registration certificate stands in her name. The



WA (MD) No. 1225 of 2022

learned Judge therefore held that without the original documents, the first respondent/writ petitioner cannot be entitled to renewal of registration in compliance with Section 81 of The Motor Vehicles Act, 1988 or for replacement of the vehicle. It was further held that the suit in O.S. No. 109 of 2013 filed by the appellants herein is pending and subject to the outcome of the suit, necessary order shall be passed by the official respondents herein. The learned Judge also issued a direction to the learned District Munsif, Paramakudi to expedite the disposal of the suit in O.S. No. 109 of 2013 within a period of six months. Aggrieved by the said order dated 16.06.2022 in WP (MD) No. 466 of 2022, the appellants have filed the present appeal.

4. The main grievance projected by the learned counsel for the appellants in this appeal is that the learned Judge ought not to have issued the direction to the official respondents to consider the application of the first respondent/writ petitioner subject to the result of the suit in O.S. No. 109 of 2013, which may result in expiry of the permit in question.

5. Admittedly, the suit in O.S. No. 109 of 2013 is pending between the parties. The suit was initially filed by the appellants herein/sons for a permanent injunction restraining the first respondent herein/mother from claiming any right over the vehicle in question. Subsequently, the prayer in



WA (MD) No. 1225 of 2022

the suit was amended into one of declaration to declare that the plaintiffs/sons are the legal owners of the vehicle purchased in the name of the first respondent/mother, which prayer is to be decided in the suit referred to supra.

6. When this appeal is taken up for hearing, after elaborate submissions made by the counsel for both sides, the learned counsel appearing for the appellants as well as the first respondent submitted that during the pendency of this appeal, the parties have decided to enter into a compromise to the effect that the first respondent herein/mother shall submit an application for renewal of the permit/replacement of the vehicle and the vehicle in question shall be plied by the appellants herein pending disposal of the suit mentioned supra. It is also stated that connected appeals filed by the appellant herein in W.A. (MD) Nos. 1226, 1227 and 1229 of 2022 are likely to be listed for hearing before this Court in which a compromise memo will be filed between the parties.

7. In the light of the above submission made by the counsel for the appellants as well as the first respondent herein, taking into account the relationship between the appellants and the first respondent herein, we leave it open to the parties to enter into a compromise, as stated supra. The writ appeal is accordingly disposed of. No costs. Consequently, connected miscellaneous



WA (MD) No. 1225 of 2022

petition is closed.

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(R.M.D., J) (J.S.N.P. J)

22.11.2022

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Index : Yes / No

Internet : Yes / No

To

1. The Secretary
Regional Transport Authority
Sivagangai
2. The Regional Transport Authority
Sivagangai District
Sivagangai



WEB COPY



WA (MD) No. 1225 of 2022

R.MAHADEVAN, J.
and
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rsh

WA (MD) No. 1225 of 2022

22.11.2022