



C.R.P PD(MD)No.1899 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 16.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

C.R.P(MD)No.1899 of 2022 and
CMP(MD) No.8566 of 2022

1.Krishnan
2.Jayamani
3.Chandrasekaran
4.Arivuselvi

... Petitioners

Vs

1.K.Govindasamy
2.Muthusamy
3.The Tahsildar,
Krishnarayapuram Taluk,
Karur District.
4.The Revenue Divisional Officer,
Kulithalai,
Karur District.

5.State of Tamilnadu
Represented by
The District Collector,
Karur District,Karur.

6.Murugesan
7.Kiruthika

... Respondents



C.R.P PD(MD)No.1899 of 2022

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 12.09.2022 in I.A.No. 1 of 2022 in Transfer O.P.No.37 of 2022 on the file of the Principal District Judge, Karur insofar as the portion, directing the learned District Munsif cum Judicial Magistrate, Krishnarayapuram to proceed in the Interlocutory petition in I.A.No.2 of 2022 in O.S.No.20 of 2022, on the file of the District Munsif Court, Krishnarayapuram and allow the Civil Revision Petition.

For Petitioner : Mr.AN.Ramanathan

ORDER

This Civil Revision Petition is filed as against the order passed by the learned Principal District Judge, Karur in Transfer O.P.No.37 of 2022 dated 12.09.2022, directing the learned District Munsif cum Judicial Magistrate, Krishnarayapuram to proceed in the Interlocutory petition in I.A.No.2 of 2022 in O.S.No.20 of 2022.

2.The learned counsel appearing for the petitioner submits that the respondents herein as plaintiffs filed a suit in O.S.No.20 of



C.R.P PD(MD) No.1899 of 2022

2022 as against the petitioners herein, before the District Munsif cum Judicial Magistrate, Krishnarayapuram, for the relief of injunction with respect to the land in S.F.No.834/10, based on Natham patta. Pending the suit, they have also filed I.A.No.2 of 2022 seeking injunction. The petitioners herein, who are the defendants 3 to 6 filed their written statements. Subsequently, the petitioners herein filed O.S.No.246 of 2022 as against the respondents herein and other revenue officials for the relief of declaration and other reliefs for the same suit schedule property. Since the suit schedule property and the parties are one and the same, the petitioners herein filed Transfer O.P.No.37 of 2022, before the Principal District Court, Karur for transfer of suit in O.S.No. 20 of 2022 pending on the file of the Judicial Magistrate cum District Munsif, Krishnarayapuram to the Sub Court, Kulithalai to try along with the suit in O.S.No.246 of 2022. The petitioners also filed I.A.No.1 of 2022 in the above transfer petition to stay all further proceedings in O.S.No.20 of 2022. In the meantime, the interlocutory application filed



C.R.P PD(MD)No.1899 of 2022

WEB COPY

by the respondents in I.A.No.2 of 2022 in O.S.No.20 of 2022 was reserved for orders, without marking any documents on the defendants side. Hence, I.A.Nos.3 & 4 of 2022 were filed by the defendants to receive documents in I.A.No.2 of 2022. All the interlocutory applications have been posted for clarification on 16.09.2022. At this juncture, in Transfer O.P.No.37 of 2022, the learned Principal District Judge, Karur granted stay of all further proceedings in O.S.No.20 of 2022, However, directed the learned District Munsif to proceed with the interlocutory applications. As against that portion of the interim order of the learned Principal District Judge, Karur, the present Civil Revision Petition is filed.

3.The learned Counsel appearing for the petitioner submits that the learned Principal District judge failed to consider that in both the suits, the suit schedule property and the parties are one and the same and therefore it is just and necessary to stay all further



C.R.P PD(MD)No.1899 of 2022

proceedings in O.S.No.20 of 2022. Permitting the learned District Munsif, Krishnarayapuram to pass orders in I.A.No.2 of 2022 is erroneous.

4.It is seen that the learned Principal District Judge, Karur has observed that the interlocutory application in I.A.No.2 of 2022 in O.S.No.20 of 2022 for interim injunction was in part heard stage and the same was reserved for orders. Hence, the learned Judge permitted the learned District Munsif cum Judicial Magistrate, Krishnarayapuram to proceed with the above interlocutory application and posted the case for enquiry on 19.09.2022. This Court finds no error in the order of the learned Principal District Judge. However, liberty is granted to the petitioners to raise all these grounds before the learned Principal District Judge, Karur in the pending transfer application and he shall endeavour to pass suitable orders in the Transfer O.P.No.37 of 2022 on its merits and shall dispose of the same as expeditiously as possible.



C.R.P PD(MD) No.1899 of 2022

WEB COPY

5. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

16.09.2022

Index : Yes / No.

Internet : Yes / No.

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To

1.The Principal District Judge, Karur.

2.The District Munsif cum Judicial Magistrate, Krishnarayapuram



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C.R.P PD(MD)No.1899 of 2022

B.PUGALENDHI, J.

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C.R.P(MD)No.1899 of 2022 and
CMP(MD) No.8566 of 2022

16.09.2022