



C.R.P PD(MD)No.2069 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 13.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

C.R.P(MD)No.2069 of 2022 and
CMP(MD) No.9496 of 2022

1.Indira
2.Anitha
3.Kumar
4.Anuratha

... Petitioners

Vs

1.A.S.George
2.J.Anthony Jeya
3.Rameela
Manimuthu (Died)
4.Masilamani
5.Sundarraaj
6.Chellaiah
7.Petchiammal
8.Muthumani
9.Muthaiah
10.Arockiyasamy
11.Esakku
12.Ramaiah
13.Rathinam Ammal
14.Muthulakshmi
15.Sankaran
16.Periyasamy



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- 17.Madasamy
- 18.Perumal
- 19.Masanam
- 20.Velukutti
- Lakshmanan (Died)
- 21.Masilamani
- 22.Devathasan
- 23.Aasirvatham
- 24.Balasundari
- 25.Ponnusamy
- 26.Paramanantham
- 27.Perumal
- 28.Kadarkarai
- 29.Ramaiah
- 30.Muthusamy
- Perumal (Died)
- 31.Ramaiah
- 32.Malaiyappan
- 33.Sankarasubbu
- 34.Duraipandi
- Ramaiah (Died)
- 35.Chinnasamy
- 36.Kanagaraj
- 37.Sekar

Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.250 of 2018 in O.S.No.198 of 2012, on the file of the I Additional District Munsif Court, Tirunelveli, dated 01.04.2022.

For Petitioner : Mr.H.Arumugam



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ORDER

This Civil Revision Petition is filed as against the fair and decreetal order passed by the learned I Additional District Munsif, Tirunelveli in I.A.No.250 of 2018 in O.S.No.198 of 2012, dated 01.04.2022.

2.The petitioners are the defendants 13 to 16 in O.S.No. 198 of 2012 and the suit was filed by the respondents 1 to 3 for declaration, declaring that they are the absolute owner of the property and for permanent injunction, restraining the defendants and other respondents from alienating or encumbering the suit schedule properties, which were purchased by the plaintiffs through the sale deeds, dated 08.12.1997 and 27.06.2001 from one Sudalaimuthupillai. The petitioners/defendants 13 to 16 have already instituted a suit for partition in O.S.No.81 of 2007 before the I Additional District Munsif Court, Tirunelveli and subsequently, the suit was transferred to the Principal Subordinate Court, Tirunelveli and renumbered as O.S.No.



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323 of 2010. Under such circumstances, the petitioners have filed an

Interlocutory Application in

I.A.No.250 of 2018 in O.S.No.198 of 2012, by invoking Section 10 of Civil Procedure Code, to stay the suit in O.S.No.198 of 2012 till the disposal of the earlier suit filed by them in O.S.No.323 of 2010. The trial Court dismissed the application and aggrieved over the same, the present Civil Revision Petition is filed.

3.Mr.H.Arumugam, learned counsel appearing for the petitioners fairly submits that the petitioners ought not to have invoked the provision under Section 10 of Civil Procedure Code for filing the application to stay the proceedings of the suit in O.S.No.198 of 2012. However, his juniors by relying upon the judgment of this Court in the case of *M.Ramasamy Vs.Pappathi reported in 2012 (5) CTC 482* has filed this Civil Revision Petition. After going through the papers, the learned counsel found that the order of the trial Court is correct and this Civil Revision Petition has been erroneously filed.



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4.This Court places its appreciation to the fair submission made by the learned counsel for the petitioner.

5.Recording the submission made by the learned counsel for the petitioner, this Civil Revision Petition is dismissed with liberty to the petitioners to invoke appropriate remedy, which is available under the Act, for joint trial or for simultaneous trial by invoking the relevant provisions. No costs. Consequently, connected Miscellaneous Petition is closed.

13.10.2022

Index : Yes / No.

Internet : Yes / No.

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To

The I Additional District Munsif Court, Tirunelveli.



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B.PUGALENDHI, J.

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