



C.R.P.(MD)Nos.3262 to 3268 to 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 22.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)Nos.3262 to 3268 of 2023

and

C.M.P.(MD)Nos.16844, 16848, 16851, 16853, 16855, 16856 &
16858 of 2023

In C.R.P.(MD)No.3262 of 2023

K.Anbu

... Petitioner / 3rd Respondent

Vs.

1.S.Mohamed Batcha

Represented by his power agent,
Ayisha Begam W/o.S.Mohamed Batcha,
No.22, Quaid-de-Millath Nagar,
Vallam,
Thanjavur Taluk and Munsif

2.Ayisha Begam

... Respondents 1 & 2 / Petitioners

3.C.Balasubramanian

Rep. by his power agent,
V.Mohan/R4, S/o.Vediyan,
No.3, G.A.Canal West Bank,
Thanjavur Town & Munsif.
(V.Mohan is recognised as power agent on behalf of R3
vide order dated 01.10.2024 made in C.M.P.(MD)No.12715,
12717, 12719 to 12723 of 2024 by GRSJ)

4.V.Mohan

... Respondents 3 & 4 / Respondents 1 & 2



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5.The Sub Registrar,
Vallam having office at
Vallam Sub Registrar Officer,
Vallam,
Thanjavur Taluk and Munsif.

6.The Tahsildar,
Thanjavur having his office at
Court Road,
Thanjavur Town and Munsif.

7.The District Collector,
Thanjavur having his office at
Thanjavur District Collector Office,
Thanjavur Town and Munsif.

... Respondents 5 to 7 /
Respondents 4 to 6

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records relating to the impugned fair and decreetal order dated 16.10.2023 made in Transfer Original Petition No.6 of 2023 on the file of the Principal District Judge, Thanjavur and set aside the same.

For Petitioner : Mr.R.Sundar Srinivasan

For Respondents : Mr.N.Tamilmani
for R1

: Mr.K.Balasubramani
Special Government Pleader for R4 to R6

: Mr.S.Sundara Moorthi for R2 & R3



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COMMON ORDER

Heard both sides.

2. The revision petitioner herein filed O.S.No.304 of 2010 on the file of the Additional Sub Court, Thanjavur for specific performance. The suit was decreed as prayed for on 22.06.2011. Questioning the same, the power agent filed A.S.No.57 of 2011 before the Principal District Judge, Thanjavur. The appeal was dismissed on 03.09.2012 on certain terms and conditions. In fact, the compromise memo was entered into between the parties. Thereafter, the petitioner herein filed E.P.No.22 of 2014. EP was dismissed on 09.04.2015. Aggrieved by the same, the petitioner herein filed C.R.P.(MD)No.2356 of 2015. C.R.P.(MD)No.2356 of 2015 was allowed on 20.12.2016. Thereafter, the executing court executed the sale deed on 03.04.2017 in favour of the petitioner herein. To obtain possession, the petitioner filed E.P.No.177 of 2022 on the file of the Additional Sub Court, Thanjavur. In the mean while, Mohan / appellant in A.S.No.57 of 2011 had parcelled the suit schedule property and alienated the same. The purchasers filed the petition mentioned suits for declaring the sale deed executed in favour of the petitioner herein as null and void and also for the relief of declaration and permanent injunction. This was filed before the



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Additional District Munsif Court, Thanjavur. The purchasers subsequently filed the transfer petition before the Principal District Judge, Thanjavur for transfer of the suits filed by them to be tried along with E.P.No.177 of 2022 filed by the petitioner herein. The court below allowed the Tr.O.Ps vide order dated 16.10.2023. Challenging the same, these civil revision petitions have been filed.

3. There is commonality between the suits filed by the purchasers and E.P.No.177 of 2022 filed by the petitioner herein. Therefore, the court below cannot be faulted for directing transfer of the suits from the file of the Additional District Munsif Court, Thanjavur to the Additional Sub Court, Thanjavur. To this extent, the impugned order is sustained. However, directing joint trial of the suits and EP cannot be appropriate. I can understand two suits being tried jointly. But directing joint trial of the suit and EP does not appear to be in order. In this view of the matter, the direction for joint trial alone is set aside. The Additional Sub Court, Thanjavur is directed to speedily dispose of the suits as well as the execution petition. It is always open to the revision petitioner herein to file an appropriate application in the suits for any relief that she wants.



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4. With this modification, these Civil Revision Petitions are disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

22.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
rmi

To:

The Principal District Judge, Thanjavur.



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G.R.SWAMINATHAN, J.

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