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CRP NO.3618 OF 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDER RESERVED ON : 25 / 10 / 2025

ORDER PRONOUNCED ON: 31 / 10 / 2025

CORAM :

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

C.R.P. (PD) NO.3618 OF 2023

AND

C.M.P. NO.22643 OF 2023

1.Dr.G.P.Sekar

2.Dr.Sujatha Sekar

... Petitioners / Respondents

Vs.

1.Dr.D.Sulochana

2.Dr.Sucharitha Sekar

3.Dr.S.Sankar

... Respondents /Petitioners

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, 1950, praying to call for the records of the proceedings of the Transfer Original Petition in Tr.O.P. No.195 of 2022 on the file of the Principal District Court, Cuddalore and set aside the Order dated August 2, 2023.

For Petitioner : Mr.S.Thirumavalavan

For Respondents 1 to 3 : Served – No appearance



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ORDER

Feeling aggrieved by the Order dated August 02, 2023 passed by 'the Principal District Court, Cuddalore' (hereinafter referred to as 'Trial Court') in Transfer Original Petition No.195 of 2022, the respondents therein have filed this Civil Revision Petition.

2.For the sake of convenience, the parties will be referred to as per their array in the Transfer Original Petition before the Trial Court.

3.The first respondent and the first petitioner are husband and wife. The second petitioner and the second respondent are their daughters. The third petitioner is the husband of the second petitioner.

4.The first respondent filed a Suit against the petitioners in O.S.No.242 of 2021 on the file of I Additional Subordinate Court, Cuddalore seeking relief of declaration among other reliefs.

5.Then the petitioners 1 and 2 filed a Suit before the Principal District Court, Cuddalore in O.S. No.469 of 2022 against the respondents, which was then made over to First Additional District Court, Cuddalore.



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According to the petitioners, the suit property, the parties and the issues involved in both the Suits are substantially one and the same.

Accordingly, they filed a petition seeking to transfer O.S. No.242 of 2021 on the file of the First Additional Subordinate Court to the First Additional District Court, Cuddalore for joint trial along with O.S.No.469 of 2022 on its file.

6.The learned Principal District Judge after hearing both sides allowed the Transfer Original Petition by concluding that the suit property, parties and the disputes involved in both the Suits are one and the same and accordingly ordered for transfer of the Suit as prayed for.

7.Feeing aggrieved by the Order, the respondents therein filed this Civil Revision Petition.

8.Despite notice to the respondents 1 to 3 herein / petitioners, they did not choose to appear and contest this Civil Revision Petition.

9.Mr.S.Thirumavalavan, learned counsel appearing for the Revision



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Petitioners/respondents 1 and 2 would submit that the Trial Court erred in allowing the Original Petition. The Trial Court failed to consider the fact that if the the Original Petition is ordered, the parties would lose one stage of appeal, which is a valuable right that cannot be curtailed by invoking Section 24 of the Code of Civil Procedure, 1908.

9.1.Learned counsel would further submit that the plaint in O.S.No.469 of 2022 has no cause of action and the alleged cause of action narrated in the plaint is false. Learned counsel would further submit that the first petitioner / wife filed a Suit in O.S.No.135 of 2010 on the file of Subordinate Court, Cuddalore seeking declaration on the basis of a Settlement Deed executed by first respondent in her favour and the same was decreed *exparte*. Thereafter, during the pendency of the present Suits, the first petitioner executed a Gift Settlement Deed in favour of the second petitioner on February 10, 2022 only with a view to give much trouble and cause annoyance to the Revision Petitioners. He would further submit that the first petitioner has no right to execute the Gift Settlement Deed in favour of the second petitioner. Accordingly, learned counsel for the Revision Petitioners prays to allow this Civil Revision Petition and to



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set aside the Order passed in the Transfer Original Petition.

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10. This Court has anxiously considered the submissions made by the learned counsel for the Revision Petitioners and has perused the records annexed in the typed set of papers including photocopy of the plaints in O.S. No.242 of 2021 and O.S. No.469 of 2022. A bare perusal would show that the suit property and the parties are substantially one and the same. Further, the issues involved are also substantially the same. What primarily has to be decided in both the Suits is whether the earliest Settlement Deed dated December 23, 1991, the one executed by the first respondent – Dr.G.Sekar in favour his wife / first petitioner – Dr.D.Sulochana is true, valid and acted upon. Thus the epicenter of both the Suits are one and the same. Consequently, the evidence that the parties may adduce would also be substantially the same. Outcome of both the Suits lies on primarily on that one question. Trying both the Suits separately may end up in conflicting Judgments and it would be nothing but waste of precious judicial time as well as the time of the parties. Further, the question whether any cause of action survives in the Suit in O.S. No.469 of 2022 is a question for trial and cannot be decided in a



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petition under Section 24 of the Code of Civil Procedure, 1908. Hence, this Court is of the view that the Transfer Original Petition shall be allowed. The Trial Court after considering the facts and circumstances of the case rightly allowed the Transfer Original Petition. This Court finds no illegality or irregularity in the same. Therefore, no warrant to interfere with it.

11. In the result, the Civil Revision Petition stands dismissed. Consequently, connected civil miscellaneous petition is closed. In view of the facts and circumstances of this case, there shall be no order as to costs.

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Index : Yes
Speaking Order : Yes
Neutral Citation : Yes
PAM/TK

To

The Principal District Court,
Cuddalore.

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R. SAKTHIVEL, J.

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PRE-DELIVERY ORDER MADE IN
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