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C.R.P.(PD)NO.4050 OF 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12/11/2025

CORAM

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

C.R.P.(PD)NO.4050 OF 2022
and C.M.P.NO.21009 of 2022

Mr.Subramanian @ Subramani

... Petitioner/Respondent
Plaintiff

Vs.

1.Mr.Murugesan (died)

2.Ms.M.Palaniammal

3.Ms.Pushpa

4.Ms.Shanthi

5.Ms.Saranya

... Respondents/Petitioners
Defendants

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, 1950, praying to set aside the Order dated September 16, 2022 passed in I.A.No.125 of 2020 in O.S.No.347 of 2013 on the file of the Principal District Munsif Court at Kallakurichi.



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For Petitioner : Mr.V.Ruthra Mohan
for Mr.T.Balachandran

For Respondent-1 : Died

For Respondents
2 to 5 : M.Shrish
for Mr.N.Manoharan

ORDER

Feeling aggrieved by the Order dated September 16, 2022 passed in I.A.No.125 of 2020 in O.S.No.341 of 2021 on the file of the 'Principal District Munsif, Kallakurichi' (hereinafter referred to as 'Trial Court'), the respondent therein has filed this Civil Revision Petition.

2.The Revision Petitioner herein is the plaintiff and the respondents herein are the defendants. The plaintiff filed the Suit in O.S.No.347 of 2013 on the file of the Trial Court seeking declaration, injunction and other reliefs. The said Suit was decreed *ex parte* on March 30, 2016. Thereafter, the respondent herein filed a petition to set aside the *ex parte* decree along with Section 5 application in I.A.No.125 of 2020 praying to condone the delay of 1431 days in filing the petition to



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set aside the *exparte* decree and the same was allowed by the Trial Court on payment of cost.

3. Feeling aggrieved, the plaintiff therein has preferred this Civil Revision Petition.

4. Mr. V. Ruthra Mohan representing Mr. T. Balachandran, counsel on record for the Revision Petitioner submits that the respondents have filed a Suit in O.S.No.257 of 2013 on the file of the Sub Court, Kallakurichi seeking re-conveyance of Suit Property based on the terms of condition Sale Deed dated October 19, 2011. In both the suits, the parties and the subject matter properties are one and the same and the Suit in O.S.No.257 of 2013 is posted for the defendants' side evidence. In view of the nature of rival contentions/claims, with a view to get a contested Judgments and Decrees, the Revision Petitioner does-not press the prayer sought for in the Revision Petition. He further submits that the Revision Petitioner herein filed a transfer O.P.No.407 of 2025 on the file of the Principal District Judge, Kallakurichi praying to transfer O.S.No.347 of 2013 on the file of Principal District Munsif Court, Kallakurichi to the Sub Court, Kallakurichi for conducting simultaneous



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trial and the same is pending. Further submits that to avoid delay, the learned counsel prays to Order to withdraw the Suit in O.S.No.347 of 2013 on the file of the Principal District Munsif and transfer the same to Sub Court, Kallakurichi, in the interest of justice.

5.Mr.Shrish representing Mr.N.Manoharan, learned counsel appearing for the respondents 2 to 5 expressed no objection for withdrawal of Suit in O.S.No.347 of 2013 on the file of Principal District Munsif Court, Kallakurichi and to transfer the same to Sub Court, Kallakurichi for simultaneous trial.

6.Considering the facts and circumstances of the case, as a Consent Order, this Court is inclined to Order to withdraw the Suit in O.S.No.347 of 2013 on the file of the Principal District Munsif Court, Kallakurichi and transfer the same to the file of Sub Court, Kallakurichi. After receiving the case file, the Sub Court, Kallakurichi shall adjudicate and decide both the suits simultaneously and shall pronounce Judgment on one and the same day.



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7. With the above directions, this Civil Revision Petition and connected civil miscellaneous petition are closed. Considering the facts and circumstances of the case, there shall be no order as to costs.

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Index : Yes / No
Speaking Order : Yes / No
Neutral Citation : Yes / No
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To

1. The Principal District Judge,
Kallakurichi.
2. The Principal District Munsif Court,
Kallakurichi.
3. The Sub Court,
Kallakurichi.



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R. SAKTHIVEL, J.

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