



C.R.P.No.4842 of 2025
and C.M.P.No.24410 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

C.R.P.No.4842 of 2025

and

C.M.P.No.24410 of 2025

Kalyanasudari (Deceased)

1.Shanmuga Sundari

2.Balasubramaniyan

... Petitioners

Vs

1.Vaithiyanathan

2.Revathi

... Respondents

Prayer:- Civil Revision Petition filed under Article 227 of the of India to set aside the fair and decreetal order dated 18.07.2025 passed in Transfer O.P.No.187 of 2023 by the learned Principal District Court, Cuddalore and dismiss the said Transfer O.P. by allowing this petition.

For Petitioner : Mr.A.Muthukumar



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ORDER

By consent, this Civil Revision Petition is taken up for final hearing at the admission stage itself.

2. The unsuccessful plaintiffs in O.S.No.87/2021 on the file of the Subordinate Court, Chidambaram, has preferred the petition. One Balasubramanian and Kalyanasundari have filed the suit in O.S.No.87/2021 on the file of the Subordinate Court, Chidambaram, against one Vaithyanathan and Revathi, seeking the relief of recovery of possession. The first defendant in O.S.No.87/2021 Vaithyanathan has filed the suit as against Shanmuga Sundari (who is the second plaintiff in O.S.No.87/2021) in O.S.No.120/2018 on the file of the Additional District Munsif Court, Chidambaram, seeking the relief of declaration of the settlement deed executed by the first defendant in favour of the second defendant as null and void.



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3. The defendants, Vaithyanathan and Revathi in O.S.No.87/2021 have filed the application under Section 24 of CPC seeking to withdraw the suit in O.S.No.120/2018 pending on the file of the Additional District Munsif Court, Chidambaram and to transfer the same to the file of the Subordinate Court, Chidambaram, to enable joint trial along with O.S.No.87/2021 pending on the file of the Subordinate Court, Chidambaram.

4. Upon hearing either side, the Court below, vide order dated 18.07.2025, allowed the petition and ordered to withdraw the suit in O.S.No.120/2018 pending on the file of the Additional District Munsif, Chiudambaram, and transfer the same to the file of the Subordinate Court, Chidambaram to conduct the joint trial along with O.S.No.87/2021. Aggrieved over the same, the present civil revision petition is filed.

5. The learned counsel appearing for the revision petitioner



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would submit that the relief sought for in O.S.No.120/2018 and the relief sought for in O.S.No.87/2021 is different and the cause of action and the subject matter of the suit also different, if the joint trial is conducted it will cause serious prejudice to the revision petitioner. However, the learned counsel appearing for the revision petitioner fairly conceded that the learned counsel has no objection to conduct simultaneous trial.

6. It is seen from the records that the suit in O.S.No.120/2018 is filed for seeking the relief of declaration to declare that the settlement deed executed by the first defendant in favour of the second defendant is null and void. The suit in O.S.No.87/2021 on the file of the Subordinate Court, Chidambaram, is filed for recovery of possession and the suit schedule properties also different. In view of the above and considering the submissions advanced by the learned counsel for the revision petitioner, the order passed by the court below in Transfer O.P.No.187/2023 dated 18.07.2025 is modified and that the suit in O.S.No.87/2021 and the suit in O.S.No.120/2018 shall be tried simultaneous instead of joint trial. The other aspect order of the court



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

10.10.2025

mtl

Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

1. The Principal District Court, Cuddalore.

M. JOTHIRAMAN, J.



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