



*C.R.P(MD)Nos.510 & 519 of 2025*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2025

CORAM

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**C.R.P(MD)Nos.510 & 519 of 2025**  
**and**  
**C.M.P(MD)Nos.2799 & 2847 of 2025**

**C.R.P(MD)No.510 of 2025:**

1.Chellammal

2.M.Muthulakshmi

3.Muthumari

... Petitioners/Respondents 1-3/  
Respondents 1-3/Plaintiffs

Vs.

1.R.Vasudevan

2.R.Srinivasan

3.R.Harivasan

... Respondents/Petitioners/  
Appellants/3<sup>rd</sup> Parties

4.The Commissioner,  
Madurai City Municipal Corporation,  
Anna Maligai,  
Madurai.



*C.R.P(MD)Nos.510 & 519 of 2025*

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5. Assistant Commissioner,  
Madurai City Municipal Corporation,  
TPK Road, Complex Bus Stand,  
Madurai.

6. N. Rathinavelu @ Ashok ... Respondents/Respondents 4-6/  
Respondents 4-6/Defendants 1-3

**PRAYER:** Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order, dated 15.10.2024 passed in I.A.No.300 of 2020 in unnumbered A.S.No.--- of 2020 on the file of learned Principal District Judge, Madurai.

For Petitioners : Mr.M.P.Senthil

For R1 - R3 : Mr.V.Meenakshisundaram

**C.R.P(MD)No.519 of 2025:**

Rathinavelu @ Ashok ... Petitioner/6<sup>th</sup> Respondent/  
6<sup>th</sup> Respondent/3<sup>rd</sup> Defendant

Vs.

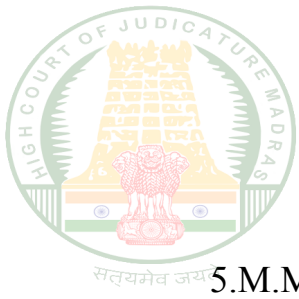
1. R. Vasudevan

2. R. Srinivasan

3. R. Harivasan ... Respondents/Petitioners/  
Appellants/3<sup>rd</sup> Parties

4. Chellammal

2/9



C.R.P(MD)Nos.510 & 519 of 2025

5.M.Muthulakshmi

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6.Muthumari

... Respondents/Respondents 1-3/  
Respondents 1-3/Plaintiffs

7.The Commissioner,  
Madurai City Municipal Corporation,  
Anna Maligai,  
Madurai.

8.Assistant Commissioner,  
Madurai City Municipal Corporation,  
TPK Road, Complex Bus Stand,  
Madurai.

... Respondents/Respondents 4&5/  
Respondents 4&5/Defendants 4&5

**PRAYER:** Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order, dated 15.10.2024 passed in I.A.No.300 of 2020 in unnumbered A.S.No.--- of 2020 on the file of learned Principal District Judge, Madurai.

For Petitioners : Mr.R.Balakrishnan

For R1 - R3 : Mr.D.Nallathambi

### **ORDER**

The respondents in unnumbered A.S on the file of the Principal District Court, Madurai have filed the present revision petitions



*C.R.P(MD)Nos.510 & 519 of 2025*

challenging the order passed in I.A.No.300 of 2020 by the said Court on 15.10.2024.

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2. O.S.Nos.850, 851 & 860 of 2010 and 783 of 2011 were heard together and a common judgment and decree was passed by III Additional Sub Court, Madurai on 14.09.2018. The respondents 1 to 3 herein were not parties to O.S.No.783 of 2011. However, they were parties to O.S.Nos. 850, 851 & 860 of 2010. All the suits relate to the same suit schedule property and there was rival claim between them for title and possession.

3. O.S.No.783 of 2011 was filed by the revision petitioners in C.R.P(MD)No.510 of 2025 seeking declaration that the final notice for attachment, dated 08.01.2000 issued by the Corporation is not legally valid and for a mandatory injunction directing the Corporation to modify the mentioning of the plaintiffs therein as owners instead of possession holder and for a permanent injunction directing the Corporation not to collect the tax as per the attachment notice, dated 08.01.2000. In the said suit, the respondents 1 to 3 herein were not parties. The suit was also

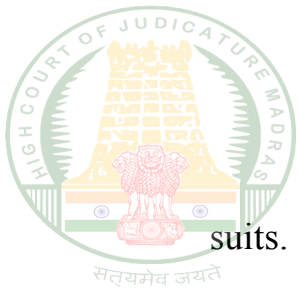


*C.R.P(MD)Nos.510 & 519 of 2025*

decreed by way of a common judgment. It is not in dispute that a joint trial was conducted and evidence was recorded in O.S.No.850 of 2010 which was filed by the revision petitioners in C.R.P(MD)No.510 of 2025 seeking permanent injunction restraining the defendants from interfering with their possession and enjoyment of the property.

4. The defendants in O.S.Nos.850 & 860 of 2010 and the plaintiffs in O.S.No.851 of 2010 have preferred A.S.No.11,12,13 of 2020 before Principal District Court, Madurai and the same are pending. Since the present respondents 1 to 3 herein were not parties to O.S.No.783 of 2011, they have filed an application in I.A.No.300 of 2020 seeking the leave of the Court to file an appeal. This leave application has been allowed. Challenging the same, the present revision petition has been filed by the plaintiffs in O.S.No.783 of 2011.

5. According to the learned counsel appearing for the revision petitioners, the suits were pending from the year 1995 till 2018. The respondents 1 to 3 have not chosen to get themselves impleaded in O.S.No.783 of 2011, even though they were contesting the other three



*C.R.P(MD)Nos.510 & 519 of 2025*

suits. Therefore, they cannot now seek leave of the Principal District Court, Madurai to file an appeal as against O.S.No.783 of 2011. When the respondents 1 to 3 herein were very well aware of the pendency of the suit in O.S.No.783 of 2011, for so many years and the said suit having been tried together, suddenly they cannot evince interest to file an appeal.

6. The learned counsel appearing for the revision petitioner in C.R.P(MD)No.519 of 2025 submitted that he is the plaintiff in O.S.No. 860 of 2010. He also reiterated the submissions of the learned counsel appearing for the revision petitioners in C.R.P(MD)No.510 of 2025 and objected to granting of leave to the present respondents 1 to 3 herein for filing a first appeal as against the judgment and decree in O.S.No.783 of 2011.

7. Heard the learned counsel for all the parties and perused the material records.



*C.R.P(MD)Nos.510 & 519 of 2025*

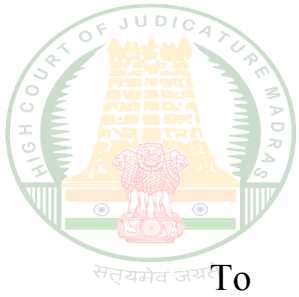
8. There is no dispute that all the four suits were tried together and evidence was recorded in O.S.No.850 of 2010 and a common judgment was delivered on 14.09.2018. Aggrieved over the decree passed in three of the suits, namely O.S.Nos.850, 851 and 860 of 2010, already the present respondents 1 to 3 herein have filed appeals and the appeals have been numbered. In case if they are not permitted to file an appeal as against the judgment and decree in O.S.No.783 of 2011, the other appeals filed by the respondents 1 to 3 herein have to be dismissed on the ground of res judicata, since all of them arise out of common judgment. In such circumstances, this Court does not find any error or illegality in the order granting leave to the respondents 1 to 3 herein to file a first appeal as against the judgment and decree in O.S.No.783 of 2011.

9. In view of the above said deliberations, both the Civil Revision Petitions stand dismissed. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

**25.02.2025**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
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*C.R.P(MD)Nos.510 & 519 of 2025*

To  
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- 1.The Principal District Court,  
Madurai.
- 2.The Section Officer,  
Vernacular Section,  
Madurai Bench of Madras High Court,  
Madurai.



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*C.R.P(MD)Nos.510 & 519 of 2025*

**R.VIJAYAKUMAR,J.**

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Order made in  
C.R.P(MD)Nos.510 & 519 of 2025

25.02.2025