

C.M.P(MD) No.7472 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED : 30.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.M.P(MD) No.7472 of 2025
in
C.R.P(PD)(MD)No.2176 of 2008

1. Nagarajan
2. Saravana Kumar
3. M.Vellaiyammal
4. M.Leelavathy
5. R.Ramalakshmi
6. A.Muthulakshmi
7. M.Shanthi
8. V.Latha
9. V.Karthika

... Petitioners/Petitioners

Vs.

1. Subburaj
2. Subbulakshmi
3. Palanivel



C.M.P(MD) No.7472 of 2025

4. Kanagavel
5. Palaniammal
6. Rajendran
7. Kumarajothi
8. Kamaraj
9. Nagalakshmi
10. Meena Rani
11. Gnanagurusami
12. Karuppayi
13. Gurupackiyam
14. Balaguruvammal
15. Pandeewari
16. Muniyammal
17. Soundarapandi
18. Duraipandi
19. Selvaraj
20. Pandiammal
21. Linga Muthu
22. Murugeswari



C.M.P(MD) No.7472 of 2025

23. Ramesh Kumar

WEB COPY

24. Manimekalai

25. Selva Kumar

... Respondents/Respondents

PRAYER in C.M.P(MD) No.7472 of 2025:

Civil Miscellaneous Petition filed under Section 151 of Civil Procedure Code, to pass an order clarifying the order dated 24.11.2008 passed in C.R.P(MD) No.2176 of 2008 that the suit in O.S.No.70 of 2007 on the file of the IV Additional District Court, Madurai to be withdrawn and transferred to the file of the Principal District Court, Madurai to be tried along with O.S.No.83 of 2004.

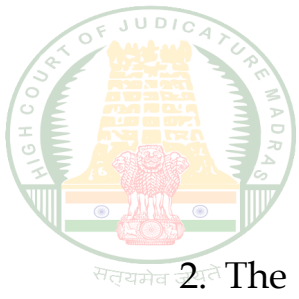
PRAYER in C.R.P(PD)(MD)No.2176 of 2008:

Civil Revision Petition filed under Article 227 of Constitution of India to call for records and set aside the order dated 23.10.2008 passed in the application in IA.1006/2008 in OS.70/2007 on the file of the learned Addl. District Judge, FTC No.1, Madurai and thereby allow this CRP and pass such other further orders as may be deemed fit and proper in the circumstances of the case and thus render justice.

For Petitioners : Mr.J.Barathan

ORDER

The revision petitioners in C.R.P(MD) No.2176 of 2008 have filed the present clarification application.



C.M.P(MD) No.7472 of 2025

WEB COPY

2. The revision petitioners herein have filed O.S.No.133 of 1995, before the Principal Sub Court, Madurai. The petitioners herein have also filed O.S.No.411 of 2000 before the Sub Court Madurai and it was transferred to District Munsif Court and renumbered as O.S.No.2005 of 2004.

3. Since the issues involved in both the suits were one and the same, the revision petitioners herein have filed a Tr.O.P.No.71 of 2005 before the Principal District Court, Madurai, for joint trial of both the suits. The Principal District Court was pleased to allow the Tr.O.P and directed O.S.No.2005 of 2004 to be transferred to the Principal Sub Court. However, ignoring the order of joint trial the learned Principal Sub Judge has proceeded to dispose of O.S.No.83 of 2004 independently. Challenging the said judgment and decree the revision petitioners herein have filed A.S.No.298 of 2008 before this Court. The first appeal was disposed of on 14.06.2023 setting aside the judgment and decree of the trial Court and it was remitted back to the trial Court to be tried along with O.S.No.2005 of 2004.

4. The revision petitioners herein have filed I.A.No.1006 of 2008 before the District Court, Madurai seeking to send the records back to the District Munsif Court. However, the said application was dismissed. Challenging the same, the revision petitioners have filed the above said Civil Revision Petition.

5. While disposing of the revision petition in C.R.P(PD)(MD) No.2176 of 2008,



C.M.P(MD) No.7472 of 2025

this Court has passed the following order, the relevant portion namely, paragraph
WEB COPY
Nos.7 and 8 are extracted as follows:

“7. Indisputably, both the suits are interrelated and parties are also same. As such, the points for consideration should also be the same. If different Courts came out with inconsistent opinions, the ends of justice will not be met. The proper course open to the Court is to keep the records in O.S.No.70 of 2007 with it, till the disposal of the above said three matters before this Court and the trial of the said suit could be proceeded with only subject to orders to be passed by this Court in the above said three proceedings.

8. In such view of the matter, the Fast Track Court No.1, is directed to keep the case records in O.S.No.70 of 2007 till further orders are passed by this Court or the disposal of A.S.No.298 of 2008, C.M.A.No.1198 of 2007 and C.R.P.No.1833 of 2008.”

6. Now the present application has been filed by the revision petitioners seeking clarification to the effect that the records retained by the IV Additional District Court have to be sent back to the Principal District Court, so that, both the suits can be tried together and they can be finally disposed of.

7. Considering the fact that the records are now lying before the IV Additional District Court, Madurai, the concerned judge is directed to transfer the records relating to O.S.No.70 of 2007 to the Principal District Court, Madurai, within a period of two weeks from the date of receipt of a copy of this order.



C.M.P(MD) No.7472 of 2025

8. With the above said clarification, this Civil Miscellaneous Petition stands closed.

WEB COPY

Sd/-

30.04.2025

// True Copy //

/2025

Sub Assistant Registrar
(CS - I/ II / III /IV)
Madurai Bench of Madras High Court,
Madurai.

ebsi

To

1. The IV Additional District Judge,
Madurai.
2. The Principal District Judge,
Madurai.
3. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

C.M.P(MD) No.7472 of 2025

in

C.R.P(PD)(MD)No.2176 of 2008

30.04.2025

AVK/29.05.2025 6P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023