



C.R.P.(PD)(MD).No.1116 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1116 of 2025

and

C.M.P.(MD)No.6029 of 2025

R.Muthu

... Petitioner

Vs.

1.R.Karthikeyani

2.R.Manju Parkkavi

... Respondents

PRAYER: Civil Revision Petition - filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 17.03.2025 passed in I.A.No.434 of 2024 in O.S.No.301 of 2023 on the file of the Additional District Court (Fast Track Court), Palani by allowing this Civil Revision Petition.

For Petitioner : Mr.Shankar Ganesh
for Mr.VB.Sundhareshwar

For Respondents : No Appearance

ORDER

This Civil Revision Petition is filed challenging the fair and decreetal order dated 17.03.2025 passed in I.A.No.434 of 2024 in O.S.No.301 of 2023 on the file of the Additional District Court (Fast Track Court), Palani.



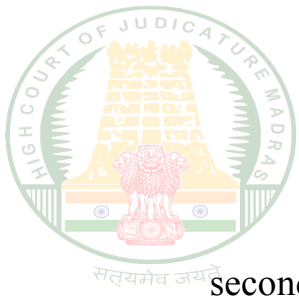
C.R.P.(PD)(MD).No.1116 of 2025

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2.The petitioner is the plaintiff in O.S.No.301 of 2023 filed for specific performance as against the second respondent/defendant. During the pendency of the suit, the first respondent claiming to be the first wife of one Rabindran has filed an application in I.A.No.343 of 2024 to implead herself in the suit filed by the petitioner. The said application was allowed in her favour. Challenging the same, the present Civil Revision Petition is filed.

3.The learned counsel for the petitioner submits that the suit schedule property originally belonged to one Rabindran. He executed a settlement deed in favour of his daughter, the second respondent herein on 29.12.2006. Thereafter, the second respondent/defendant executed a sale agreement in favour of the petitioner on 10.03.2021. The said sale agreement was not performed by the defendant. Therefore, the petitioner filed a suit before the Principal District Court, Palani and it was transferred to the Additional District Court, Palani. In that suit, the first respondent claiming herself to be the first wife of said Rabindran has filed an impleading application and the same was allowed.

4.The learned counsel for the petitioner further submits that the petitioner is the third party to the contract between the petitioner and the



C.R.P.(PD)(MD).No.1116 of 2025

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second respondent and she does not need to fight as against the petitioner.

Impleading the first respondent, who is not a party to the contract is unnecessary. He would further submit that the first respondent filed another suit in O.S.No.430 of 2022 on the file of the Sub Court, Palani to declare the settlement deed executed by her deceased husband in favour of the second respondent as null and void and the same is pending before the trial Court.

5.Though notice has been served on the respondents and names of the respondents are printed in the cause list, none appeared on behalf of the respondents.

6.The facts in the present case are not in dispute. Admittedly, the first and second respondents are claiming themselves as the legal heir of one Rabindran. The second respondent claims that the said Rabindran executed a settlement deed in her favour in the year 2006. Whereas, the first respondent claims that the said settlement deed is not valid and a suit filed by the first respondent in this regard is pending in O.S.No.430 of 2022 on the file of the Additional Sub Court, Palani. The first respondent being the first wife of



C.R.P.(PD)(MD).No.1116 of 2025

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Rabindran is having interest over the property of her deceased husband Rabindran and hence, she filed an application to get herself impleaded in the suit filed by the petitioner.

7.Considering the facts and circumstances of the case, this Court is of the view that to give a quietus to the issue, the suits filed by the petitioner as well as the first respondent shall be directed to be tried together. Accordingly, the Additional Sub Court, Palani is directed to transfer the suit in O.S.No.430 of 2022 to the file of the Additional District Court, Palani to be tried along with O.S.No.301 of 2023. The Additional District Court, Palani is directed to take up the transferred suit on file and conduct the trial of both the suits simultaneously and dispose of the same as expeditiously as possible.

8.With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

20.06.2025

NCC : Yes/No
Internet : Yes / No
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C.R.P.(PD)(MD).No.1116 of 2025

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To

- 1.The Additional District Court (Fast Track Court), Palani.
- 2.The Additional Sub Court, Palani.
3. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P.(PD)(MD).No.1116 of 2025

M.DHANDAPANI,J.

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C.R.P.(PD)(MD)No.1116 of 2025

20.06.2025