

C.R.P.(MD)No.2007 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P(MD)No.2007 of 2025

and

C.M.P(MD)No.11639 of 2025

P.Shanmugam (Died)

1.S.Palanichamy

2.S.Sathiyabama

3.T.Senthilvadivu

4.V.Parvathi

... Petitioners

Vs.

P.Sivasubramanian (Died)

1.S.Venkatesan

S.Mahalakshmi (Died)

2.B.Andal

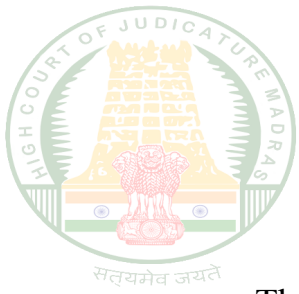
3.R.Visalatchi

4.S.Vijayalalitha

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 01.03.2025 passed in Tr.OP.No.16 of 2024 on the file of the Principal District Court, Theni by allowing this Civil Revision Petition.

For Petitioner : Mr.P.Revathi Muthumani



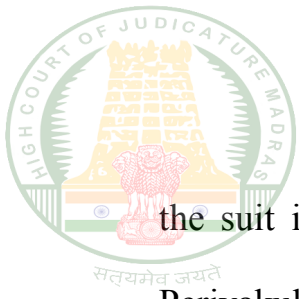
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ORDER

WEB COPY This Civil Revision Petition is filed seeking to set aside the fair and decretal order dated 01.03.2025 passed in Tr.OP.No.16 of 2024 on the file of the Principal District Court, Theni.

2. The case of the petitioners is that the deceased Sivasubramanian filed a suit in O.S.No.79 of 2005 on the file of the Sub-Court, Periyakulam against his brothers and local authority claiming partition and mandatory injunction restraining the respondents not to put up bore-well or any pipelines. He filed another suit in O.S.No.115 of 2015 on the file of the District Munsif Court, Periyakulam for declaration declaring that the settlement deed executed by the first defendant as against the second defendant is null and void. Pending suit, the deceased first defendant Shanmugam filed Tr.O.P.No.16 of 2024, on the file of the Principal District Court, Theni seeking for transfer of the case in O.S.No. 115 of 2016 from the file of the District Munsif Court, Periyakulam to the Sub-Court, Periyakulam to be tried along with O.S.No.79 of 2005. The learned Principal District Judge, Theni dismissed the said application on 01.03.2025. Challenging the same, the petitioners filed the present Civil Revision Petition.

3. The learned counsel appearing for the petitioners would submit that the suit in O.S.No.79 of 2005 is pending before the Sub-Court, Periyakulam and



the suit in O.S.No.115 of 2015 is pending before the District Munsif Court, Periyakulam. Both the suits are filed for the very same property and the parties are one and the same and hence, the petitioners filed Tr.O.P.No.16 of 2024, on the file of the Principal District Court, Theni seeking for transfer of the case in O.S.No.115 of 2016 from the file of the District Munsif Court, Periyakulam to the Sub-Court, Periyakulam to be tried along with O.S.No.79 of 2005. However, the learned Principal District Judge, Theni dismissed the said application, which is not sustainable one and prays for allowing the Civil Revision Petition.

4. Since no adverse order is going to be passed as against the respondents, notice to the respondents is dispensed with.

5. It is seen from the records that initially, the deceased Sivasubramanian filed a suit in O.S.No.79 of 2005 for partition and mandatory injunction restraining the respondents not to put up bore-well or any pipelines and the said suit is pending before the Sub-Court, Periyakulam for want pecuniary jurisdiction and subsequently, he filed another suit in O.S.No.115 of 2015 on the file of the District Munsif Court, Periyakulam as against one of the brother and his son for declaration declaring that the settlement deed executed by the first defendant as against the second defendant is null and void and both the



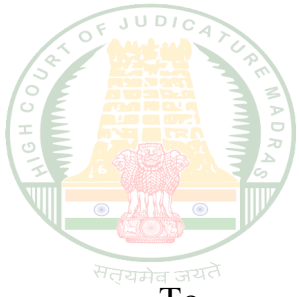
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prayers are different, unless the petitioners right accrued in the partition suit, subsequent suit for declaration cannot be decided and therefore, clubbing the suit pending on the file of the Sub-Court, Periyakulam it affects the pecuniary jurisdiction and hence, that issue was rightly appreciated by the trial Court and rightly dismissed the Tr.O.P.No.16 of 2024. The learned Judge exercised his power conferred on him and there is no illegality or irregularity warranting interference by this Court.

6. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

28.07.2025

Index : Yes/No
Internet : Yes / No
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To
WEB COPY

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



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M.DHANDAPANI,J.

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