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C.R.P.(PD)(MD) No.2928 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

|               |            |
|---------------|------------|
| Reserved on   | 09.01.2025 |
| Pronounced on | 29.01.2025 |

CORAM

**THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

**C.R.P.(MD) No. 2928 of 2024 and**  
**CMP(MD).No.16724 of 2024**

Bahushiya

... Petitioner / Petitioner

Vs.

1.Minor. Mohammed Riyas  
2.Minor Mohammed Bharaj  
3.Minor Mohammed Aaris  
minor respondent Nos.1 to 3 rep.  
through their mother and guardian Mumtaj

4.The Sub Registrar,  
Thiruppathur.

5.Abdul Majeeth

.. Respondents / Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order passed in Tr.O.P.No.21 of 2024, dated 02.07.2024 on the file of the Principal District Judge, Sivagangai.

For Petitioner  
For respondents

: Mr. Mohammed Hussain  
: Mr.B. Saravanan  
Additional Government Pleader

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## **ORDER**

The present revision is preferred against the fair and decreetal order, dated 02.07.2024 made in Tr.O.P.No.21 of 2024 on the file of the Principal District Judge, Sivagangai.

2. The respondents 1 to 3 herein as plaintiffs filed the above suit in O.S.No.265 of 2022 on the file of Sub Court, Sivagangai for the relief of declaration and permanent injunction and to set aside the sale deed, dated 11.12.2015 as null and void in respect of GRS.No.365 of 269, which is the “A” schedule property in the suit. The 5<sup>th</sup> respondent herein filed another suit in O.S.No.12 of 2022 on the file of Principal District Munsif Court, Thiruppathur for declaration and recovery of possession and consequently, set aside the sale deed, dated 11.12.2015 as null and void which is the “B” schedule property. Since the subject matter in both the suits are one and the same, the petitioner was constrained to file the above Transfer O.P.No.21 of 2024 for withdrawing the suit in O.S.No.12 of 2022 on the file of the Principal District Munsif Court, Thirupattur and transfer the same to the file of the Sub Court, Sivagangai for having a simultaneous trial. However, the trial Court dismissed the said application. Against which the present revision is preferred.



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WEB COPY 3. The learned counsel appearing for the revision petitioner submitted that the property involved in both the suits are in respect of GRS.No.365 of 269. Therefore, in order to avoid conflict of Judgment, the above two suits have to be tried simultaneously. However, the trial Court without considering the same erroneously dismissed the above transfer OP, which requires consideration by this court.

4. On the other hand learned counsel appearing for the respondents would submit that the reliefs claimed in both the suits are not similar and if joint trial is ordered it would create conflicting interest and multiplicity of proceedings. Therefore, the trial Court has rightly dismissed the said application which calls for no interference by this Court. However, the learned counsel appearing for the respondents would further submit that in that event the said revision is allowed this Court may direct for joint trial of both the suits along with the suit in O.S.No. 23 of 2016 pending on the file of the District Munsif Court, Thiruppathur.

5. Heard on both sides and perused the materials available on record.



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6. Considering the facts and circumstances of the case, it is seen that the above suits are in respect of the GRS.No.365 of 269. Therefore, this Court deems it fit that simultaneous trial of suits in O.S.No. 265 of 2022, O.S.No. 12 of 2022 and O.S.No.23 of 2016 is ordered to avoid conflict of decision.

7. Accordingly, the order dated 02.07.2024 passed by the learned Principal District Judge, Sivagangai made in Tr.O.P.No.21 of 2024 is hereby set aside and accordingly, this Civil Revision Petition is allowed. The suits in O.S.No.12 of 2022 and O.S.No.23 of 2016 pending before the District Munsif Court, Thirupppathur is transferred to The Sub Court, Sivagangai for simultaneous trial along with O.S.No.265 of 2022. No costs. Consequently, the connected Miscellaneous Petition is closed.

29.01.2025

Index: Yes/ No  
Neutral Citation: Yes / No  
Speaking Order/Non-Speaking Order

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The Principal District Judge, Sivagangai.



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**K.GOVINDARAJAN THILAKAVADI, J.**

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Pre-Delivery Order made  
in  
**C.R.P.(MD) No. 2928 of 2024 and**  
**CMP(MD).No.16724 of 2024**

29.01.2025