

C.R.P(MD)No.2434 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **03.09.2025**

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

C.R.P(MD)No.2434 of 2025
and
C.M.P(MD)No.14594 of 2025

1.Saramma Thomas

2.Lizzy Varghese

3.Sheela Pappachan

... Petitioners

Vs.

1.Basheer

2.Nadhia

3.Cecily Mathew

4.Jibin Mathew

5.Jisha Mathew

... Respondents

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, praying this Court to call for the records relating to the judgment and decree in T.O.P.No.2 of 2025, dated 23.07.2025 passed by learned Principal District Judge, Kanyakumari District at Nagercoil and set aside the same and consequently to allow the transfer petition by



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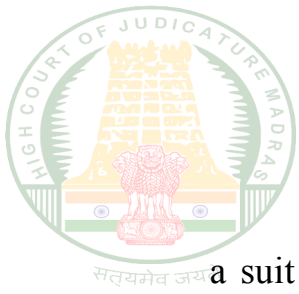
withdrawing O.S.No.158 of 2012 from the file of the I Additional District Munsif Court, Kuzhithurai and transferring the same to the file of the Additional District Judge, Kuzhithurai to be tried jointly with O.S.No.126 of 2019, by allowing this civil revision petition and pass such further or other orders as this Court.

For Petitioners : Mr.Y.Prakash

ORDER

The present application had been filed challenging the refusal to transfer a suit in O.S.No.158 of 2012 which is pending on the file of the I Additional District Munsif Court, Kuzhithurai to the file of the Additional District Court, Kuzhithurai to be tried jointly with O.S.No. 126 of 2019.

2. The learned Counsel appearing for the petitioner would submit that the petitioner had earlier filed a suit in O.S.No.158 of 2012 seeking relief of decree of partition and separate possession of their shares in respect of the suit schedule properties. Pending the suit, it had come to the knowledge of the petitioner that, a sale deed has been executed by the first respondent in favour of his daughter-in-law, the second respondent herein. On coming to knowledge of the said transaction, he had instituted



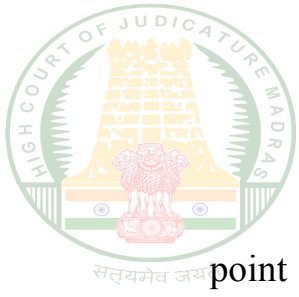
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a suit in O.S.No.126 of 2019, which is now pending on the file of the Additional District Court, Kuzhithurai. One of the suit schedule properties filed in O.S.No.158 of 2012 is a subject matter of the suit in O.S.No.126 of 2019 and that parties in both the suits are one and the same and that he would submit that, if the suit is tried jointly, the parties would not be unnecessarily dragged into multiplicity of the proceedings. Without considering these aspects, he would submit that the learned District Judge had dismissed the petition. He would submit that it would only lead to multiplicity of the proceedings and therefore, the order impugned in this revision should be interfered with.

3. I have carefully considered the submissions made by the learned Counsel appearing for the petitioner.

4. A suit for partition had been filed in the year 2012 and the suit for declaration has been filed in the year 2019. Thereafter, the respective suits had been tried by the respective Courts. A reading of the affidavit filed in support of the transfer petition do not disclose as to why the petitioner had not taken out such steps to transfer the suit at the earliest



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point of time and had approached seeking transfer when the suits were ready for trial. The Court below had also considered the fact that both the suits could be independently tried and the decision in one suit may not depend on the decision in other suit. I do not find any reasons to differ with the well considered judgment and decree of the Court below.

5. For the aforesaid reasons, this civil revision petition fails and it is accordingly, dismissed. Considering the fact that the suit for partition had been filed as early as in the year 2012, there shall be a direction to the I Additional District Munsif Court, Kuzhithurai to dispose of the suit in O.S.No.158 of 2012, as expeditiously as possible but not later than four (4) months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

03.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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To

- 1.The Principal District Judge,
Kanyakumari District at Nagercoil.
- 2.The I Additional District Munsif Court,
Kuzhithurai.
- 3.The Additional District Judge,
Kuzhithurai.



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K.KUMARESH BABU, J.

BTR

Order made in
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