



C.R.P(MD)No.3064 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 17.12.2024
DELIVERED ON : 23.01.2025

CORAM:

THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.R.P(MD)No.3064 of 2024
and
C.M.P(MD)No.17434 of 2024

S.Rajendran

... Petitioner

Vs.

1.S.Govindarajan

2.G.Sundaram

3.G.Raja

4.S.Varadharajan

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow this Civil Revision Petition thereby setting aside the order passed by the learned Principal District Judge, Sivagangai, dated 20.09.2024 passed in Tr.O.P.No.30 of 2024 and allow the same and pass such further or other orders as this Court.

For Petitioner : Mr.S.Parthasarathy



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For Respondents : Mr.C.M.Arumugam

ORDER

This Civil Revision Petition is preferred against the order passed in Transfer O.P.No.30 of 2024 on the file of the Principal District Judge, Sivagangai on 20.09.2024.

2. According to the revision petitioner, the first respondent, brother of the revision petitioner filed a suit in O.S.No.165 of 2006 before the District Munsif Court, Thiruppathur against the other brother of the revision petitioner, who is the fourth respondent herein. Thereafter, the revision petitioner filed a suit in O.S.No.151 of 2008 before the District Munsif Court, Thiruppathur as against the first respondent herein. Thereafter, the revision petitioner was arrayed as second defendant in the suit filed by the first respondent in O.S.No.165 of 2006. Meantime, the first respondent created documents in favour of his sons, namely, the second and third respondents herein and therefore, the revision petitioner was constrained to file a suit for declaration in O.S.No.120 of 2015 before the learned District Munsif Court, Thiruppathur as against the respondents 1 to 4 herein in to



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declare the document executed by his brother, namely, the first respondent herein as null and void. While so, the revision petitioner filed three applications in I.A.No.294 of 2017, I.A.No.348 of 2017 and I.A.No.692 of 2017 for joint trial of the above three suits. However, the learned District Munsif, Thiruppathur dismissed the above petitions. Against which, revision was preferred in C.R.P(MD)Nos.2140 of 2018, 2141 of 2018 and 2142 of 2018 before this Court. Meantime, at Singampunary, a new District Munsif Court was constituted and since the subject matter of the three suits fell under the jurisdiction of the newly formed District Munsif Court at Singampunary, three suits were transferred to the file of the District Munsif Court at Singampunary and were re-numbered as O.S.No.15 of 2020, O.S.No.39 of 2022 and O.S.No.172 of 2019 respectively. While so, in the Civil Revision Petitions filed by the revision petitioner, joint trial was ordered by this Court. Thereafter, the revision petitioner filed an amendment petition in the suit in O.S.No.172 of 2019 for including the relief of declaration and injunction and the same was allowed. Thereafter, the suit was transferred to the District Court at Sivagangai on the ground of pecuniary jurisdiction. Hence, the revision petitioner filed Transfer O.P.No. 30 of 2024 before the Principal District Judge, Sivagangai for transferring

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the other suits in O.S.No.15 of 2020 and O.S.No.39 of 2022 pending on the file of the District Munsif Court, Singampunary for a joint trial in order to comply with the orders passed by this Court in the civil revision petitions. However, the said application was dismissed by the learned District Judge stating that, the Hon'ble High Court has directed the learned District Munsif Court, Singampunary to dispose the three suits by way of joint trial and therefore, in view of the said direction only the District Munsif Court, Singampunary shall dispose the three suits by way of joint trial and therefore, dismissed the said application filed by the revision petitioner. Aggrieved by this, the present revision is preferred.

3. The learned Counsel appearing for the revision petitioner would submit that there is no legal impediment to transfer the other two suits pending before the District Munsif Court, Singampunary and on the other hand, it would avoid conflict of judgments for the reason that the subject matter involved in the three suits are one and the same.

4. On the other hand, the learned Counsel appearing for the respondents would submit that as per the order of this Court in the civil



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revision petitions, the District Munsif Court, Singampunary should dispose the three suits by way of joint trial. His further contention is that if the above two suits are transferred to the Additional District Court, the respondents will be denied of the right of appeal and therefore, the learned Principal District Judge has rightly dismissed the said transfer application which calls for no interference.

5. Heard the learned Counsel for the petitioner and the learned Counsel for the respondents and perused the materials available on record.

6. It is not in dispute that this Court in the Civil Revision Petition ordered for a joint trial before the District Munsif Court, Thiruppathur. After constitution of District Munsif cum Judicial Magistrate Court at Singampunary, all the three suits were transferred to the said Court and were re-numbered. While so, the revision petitioner made an application to amend the plaint to include the relief of declaration and injunction in O.S.No.172 of 2019 and after the said amendment, the said suit was transferred to the file of the Additional District Court, Sivagangai on the ground of pecuniary jurisdiction. Thereafter, the revision petitioner filed the



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Transfer O.P in Transfer O.P.No.30 of 2024 for transferring the other suits pending before the District Munsif cum Judicial Magistrate Court, Singampunary to the Additional District Court at Sivagangai for a joint trial of the three suits. The joint trial of the above three suits were ordered by this Court in C.R.P(MD)Nos.2140 of 2018, 2141 of 2018 and 2142 of 2018 only with the consent of the respondents. Moreover, the said joint trial was sought by the parties to avoid conflict of judgments since the subject matter in the three suits are one and the same. Therefore, by transferring the above suits from the file of the District Munsif cum Judicial Magistrate to the file of Additional District Court, Sivagangai no prejudice would be caused to the respondents. On the other hand, it would be convenient for the parties to proceed with the trial of the three suits and also it would avoid conflict of judgments.

7. The contention made by the learned Counsel for the respondents that the respondents will not have the right of appeal is un-sustainable. Therefore, considering the facts and circumstances of the case, the order passed by the Trial Court in the Transfer O.P.No.30 of 2024 is set aside and this Civil Revision Petition stands allowed.



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8. The learned District Munsif cum Judicial Magistrate, Singampunary is directed to send the above two suits. Accordingly, the suits on the file of the learned District Munsif cum Judicial Magistrate, Singampunary is withdrawn and transferred to the file of the Additional District Court, Sivagangai, on its file, for disposal in accordance with law.

9. In the result, this Civil Revision Petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

23.01.2025

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

To

1.The Principal District Judge,
Sivagangai.

2.The District Munsif cum Judicial Magistrate,
Singampunary.

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K.GOVINDARAJAN THILAKAVADI, J.

BTR

Order made in
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23.01.2025