



C.R.P. (MD) No. 1723 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2026

C O R A M

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P. (MD) No. 1723 of 2023
and
C.M.P. (MD) No. 8596 of 2023

1.Sasikala Balakrishnan
2.Balakrishnan
3.V.Sathiah

... Petitioners

Vs.

1.N.Boominathan
2.Arumugam
3.N.Periasamy
4.N.Ramanathan

... Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 27.04.2023 passed in TROP No.42 of 2021 on the file of the Principal District Judge, Sivagangai.

For Petitioner : Mr. VR.Shanmuganathan
For Respondents : Mr. Niranjana S.Kumar



C.R.P. (MD) No. 1723 of 2023

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ORDER

This Civil Revision Petition challenges the order dated 27.04.2023 passed in Tr.O.P No.42 of 2021 on the file of the Principal District Judge, Sivagangai, ordering joint trial of the suits in O.S. No. 196 of 2021 on the file of the Subordinate Court, Devakottai, along with O.S. No. 93 of 2021 on the file of the District Court, Sivagangai to be tried at latter Court.

2. Heard Mr. VR.Shanmuganathan, Learned Counsel for the Petitioners and Mr. Niranjana S.Kumar, Learned Counsel for the Respondent and perused the materials placed on record apart from the pleadings of the parties.

3. The suit in O.S. No. 196 of 2021 has been filed by one K. Balakrishnan, who is one of the Petitioners herein, against one N.Periyasamy and Three Others before the Subordinate Court, Devakottai, claiming injunction not to disturb the possession and enjoyment of the property situated at S.o.25, 14, 9, 27, 46, Ward – C, New Ward – 15, Old No. 14, Devakottai Town, Devakottai, Sivagangai District. Subsequently, another suit in O.S. No. 93 of 2021 was filed by one N.Boominathan and N.Arumugam against K.Balakrishnan and four others before the District Judge, Sivagangai, claiming the relief of declaration



C.R.P. (MD) No. 1723 of 2023

of title of 17% undivided share to the extent of 26.18 cents out of 34% of shares stands in the company name and also for a consequential injunction not to disturb the possession. The Principal District Court, Sivagangai, by impugned order dated 27.04.2023 directed joint trial of the suits.

4. Though it is not dispute that the parties are the same in both the suits and properties are also involving common, the pivotal attack on the impugned order by the Learned Counsel appearing for the Petitioners that certain observations that had been made in the impugned order for transfer would affect their rights at the time of disposal.

5. It is needless to add here that such observations made during the transfer cannot be treated as finding of the fact based upon the evidence, it is only for the purpose of discussion. It would not in any way affect the rights of the Petitioners in the ultimate decision of the suits.

6. The further contention raised by the Learned Counsel appearing for the Petitioners is that an application under Order 7 Rule 11 has been filed in O.S. No. 93 of 2021. As the suit was barred in terms of Section 430 of the Companies Act, 2013, the matter has to be agitated before the Company Law



C.R.P. (MD) No. 1723 of 2023

Tribunal and such application is also pending.

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7. Though the said contention made by the Learned Counsel appearing for the Petitioners appears to be plausible, this Court is not inclined to deal with the said controversy. The observations made in the impugned order shall not preclude the rights of the District Court, Sivagangai, to decide the suits on merits and in accordance with law. This Court has not expressed any view on the merits of the matter in this regard.

8. Having regard to the aforesaid fact, this Court is of the view that the impugned order of transfer is justified, as the documents relied upon by the parties would be common. Separate trial would prejudice the rights of the parties, which leads multiplicity of proceedings, which requires to be avoided.

In that view of the matter, this Civil Revision Petition is disposed on the aforesaid terms. No costs. Consequently, connected miscellaneous petition is closed.

20.01.2026

Index : Yes/No
NCC : Yes/No
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C.R.P. (MD) No. 1723 of 2023

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Copy to

1. The Principal District Judge, Sivagangai.
2. The District Court, Sivagangai.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P. (MD) No. 1723 of 2023

N.SENTHILKUMAR, J.

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C.R.P. (MD) No. 1723 of 2023

20.01.2026