

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2015

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

C.R.P(PD).No.4517 of 2015

and

M.P. No.1 of 2015

A.Janardhanam

.. Petitioner/Plaintiff

Vs.

1.K.Govindarajan

2.Saravanan

3.K.Tamilselvan

4.Amsaveni

.. Respondents/Defendants

Prayer:-Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and decreetal order dated 06.06.2015 in memo in O.S.No.92 of 2014 on the file of the Sub-Court, Uthangarai.

For Petitioner :Mr.V.Nicholas

ORDER

The Civil Revision Petition is filed against the order dated 06.06.2015 in memo in O.S.No.92 of 2014 on the file of the Sub-Court, Uthangarai.

2.The revision petitioner herein, who is the plaintiff in O.S.No.92 of 2014, has filed a memo in O.S.No.92 of 2014 stating that both the suits in O.S.Nos.91 and 92 of 2014 have been filed in respect of same survey number and the suit properties are also one and the same and hence, he has prayed for joint trial of both the suits. Even though the first defendant has endorsed that he has no objection for joint trial, the fourth defendant has filed his objection stating that the plaintiff and properties in both the suits are different and hence, he opposed for joint trial. The trial Court after considering the objection raised by the fourth defendant, held that both the suits are for specific performance on the basis of the sale agreement, the plaintiff in both suits are different, the properties are different, but subsequent purchasers are one and the same and hence, both the suits cannot be tried jointly and the suits can be tried simultaneously. Against the order passed in memo, the revision petitioner has come forward with this revision.

3.Learned counsel for the revision petitioner submits that one suit in O.S.No.92 of 2014 was filed by the revision petitioner against the first respondent herein and another suit in O.S.No.91 of 2014 was filed by his mother against the wife of the first

respondent and the reliefs sought for in both the suits are one and same. Therefore, he prayed for joint trial by filing memo. But the trial Court dismissed his memo. Hence, he has come forward with this revision for setting aside the order passed by the trial Court.

4.Considered the arguments advanced on the side of the revision petitioner and perused the typed set of papers.

5.Admittedly, O.S.No.92 of 2014 has been filed by the revision petitioner herein against the first respondent herein in respect of one item of property. His mother viz., Ponni filed O.S.No.91 of 2014 against one Gomathi, W/o Govindarajan, the first respondent herein in respect of another item of property. Even though the sale agreements were entered on the same date, parties to the sale agreements and the properties are different. Under such circumstances, I do not find any reason for ordering joint trial, even though the subsequent purchasers are one and the same. The trial Court has considered all the aspects in proper perspective and rightly came to the correct conclusion. The revision petition deserves to be dismissed and it is hereby dismissed.

R.MALA,J.

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6.In the result, the Civil Revision Petition stands dismissed.
No costs. Consequently, connected Miscellaneous Petition is closed.

01.12.2015

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Index:Yes/No

To

The Sub-Court, Uthangarai.

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