



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2015

CORAM:

WEB COPY

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

C.R.P.(MD).No.493 of 2015

and

M.P.(MD).No.1 of 2015

G.Saminathan

... Revision Petitioner/2nd Defendant

vs.

1.Pitchaiammal

2.M.Chinnappa

3.M.Rajendran

4.A.Santhanam

5.A.Lalitha

6.R.Raja

7.R.Radhika

... Respondents 1 to 7/Plaintiffs

8.M.Venkatachalam

9.R.Rajiv Gandhi

10.M.Kalimuthu

... Respondents 8 to 10/Defendant 1,3 &4

PRAYER: This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the memo docket order dated 27.01.2015 passed by the Principal Sub Judge, Thanjavur on the memo filed by the plaintiffs in O.s.No.64 of 2011.

For Petitioner : Mr.M.Karthikeya Venkitachalapathy

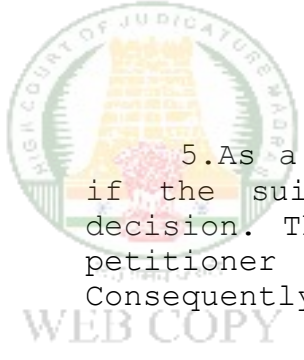
O R D E R

This revision is filed against the docket order dated 27.01.2015 passed by the Subordinate Judge, Thanjavur to direct a joint trial of O.S.Nos.64 and 79 of 2011, which are pending before the same Court.

2.The suit in O.S.No.64 of 2011 is filed for partition of 1/6th share of the parties and the suit in O.S.No.79 of 2011 is filed by the revision petitioner for declaration that he is the owner of the property and for consequential injunction.

3.Admittedly, there are two suit items and the same are the suit schedule properties in both the suits. Therefore, the properties in both the suits are substantially same.

4.The vendor of the revision petitioner is the first defendant in the suit, against whom the partition suit is filed and the other suit filed by the revision petitioner is also against his own vendor. Therefore the parties before the Court are also the same. Hence, the trial Court ordered for joint trial in both the suits.



5.As a decision in one suit, will have a bearing on the other suit, if the suits are independently tried, it will lead to conflict in decision. Therefore, there is no merits in the objections raised by the petitioner and the civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To
The Principal Subordinate Judge,
Thanjavur.

Sm:31.03.2015:2P/2C

C.R.P. (MD) .No.493 of 2015
16.03.2015