

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2019

CORAM

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

C.R.P.(PD) No.1714 of 2015

And
M.P.No.1 of 2015

Sheikyasini

... Petitioner

Vs.

Allabakshi

... Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India praying to set aside the fair & decreetal order of the District Munsif Court at Sankarapuram, dated 30.10.2014 in I.A.No.135 of 2013 in O.S.No.83 of 2009.

For Petitioner : Mr.P.Valliappan

For Respondent : Mr.T.Sezhian
for Ms.R.Meenal

ORDER

The petitioner is the plaintiff in the suit in O.S.No.83 of 2009. The suit has been filed for injunction. While the said suit is pending, the Trial Court allowed the impleading petition filed by the third party/ respondent herein to implead himself as one of the parties in the

above said suit on the ground that he has also filed a suit in respect of the very same property for declaration and injunction, against which, the petitioner / plaintiff has filed the present Civil Revision Petition before this Court.

2.The learned counsel appearing for the petitioner would submit that it would suffice if this Court issue a direction to the Trial Court to club both the suits together and to conduct a joint trial.

3.The learned counsel for the respondent would submit that if this Court thinks it fit, a direction shall be issued to the Trial Judge to conduct joint trial by clubbing both the suits together. However, no prejudice would be caused to the petitioner / plaintiff to allow the implead petition when he is not prejudiced for joint trial.

4.Heard the learned counsel for the petitioner as well as the respondent herein.

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5.In the light of the above submissions and as the petitioner and the respondent have agreed for conducting a joint trial, this Court is inclined to give a direction to the Trial Court to dispose of the suit by conducting joint trial in O.S.No.83 of 2009 and O.S.No.57 of 2010.

The respondent is hereby directed to file his written statement within a period of two weeks from the date of receipt of a copy of this order. The learned Trial Judge shall dispose of the suits within a period of six months from the date of receipt of the written statement.

5. With the above direction, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

09.04.2019

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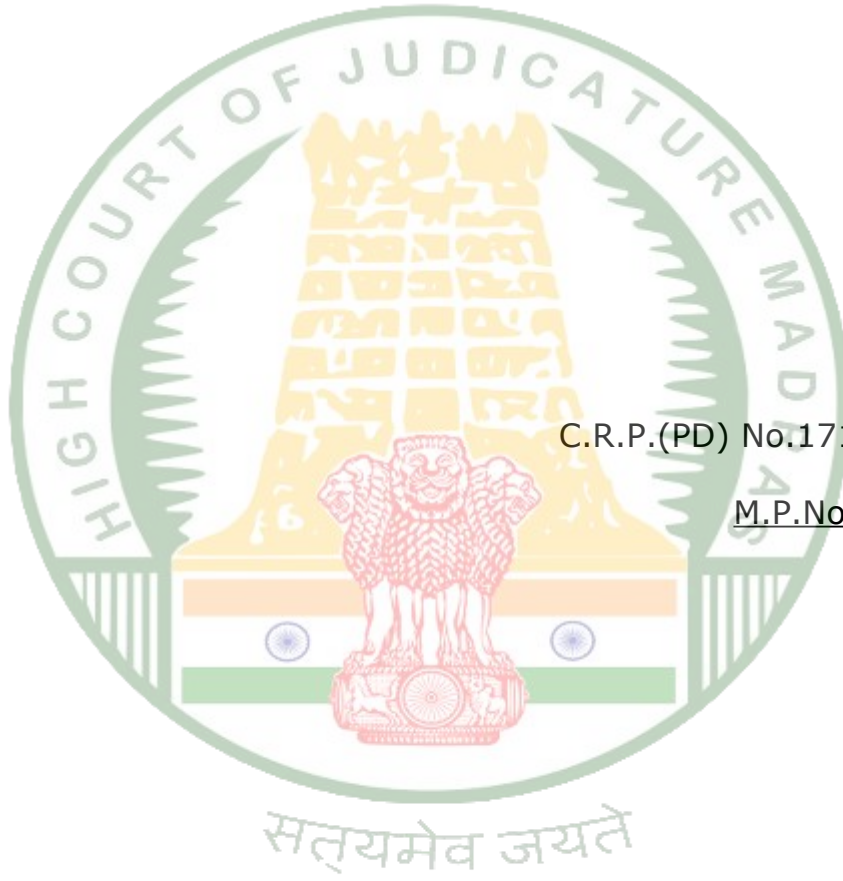
Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

1. The District Munsif Court
Sankarapuram

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M.DHANDAPANI, J.
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