

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 12.04.2016**

**CORAM**

**THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR**

**C.R.P (PD) No.1159 of 2016**

**&**

**C.M.P.No.6347 of 2016**

S.Thiyagarajan

... Petitioner

VS.

1.K.Janakirama Naidu

2.M.Vijay Anand

3.M.Arun Kumar

4.M.Ashok Kumar

5.A.N.Ramesh

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 07.09.2015 passed by the learned District Munsif, Tambaram in I.A.No.395 of 2015 dismissing the petition to the suit in O.S.No.110 of 2012 along with suits O.S.No.241 of 2013 and 122 of 2014.

For Petitioner : Mr.S.Elumalai

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**ORDER**

This matter stands listed today for admission. The arguments advanced on behalf of the petitioner are heard.

2. The petitioner is the plaintiff in O.S.No.110 of 2012 pending on the file of the learned District Munsif, Tambaram. The said suit was filed against the respondents for a permanent bare injunction. Subsequently, the petitioner filed another suit in respect of the very same property in O.S.No.241 of 2013 for a declaration that a settlement deed executed by the first respondent in favour of the other respondents dated 05.02.2007 is null and void. Again the petitioner herein filed yet another suit in O.S.No.122 of 2014 challenging the patta issued by the second defendant in favour of defendants 4 to 6 on the basis of the above said settlement deed. Having chosen to file separate suits, when the first suit was ripe for trial, he filed an application I.A.No.395 of 2015 for joint trial of all the three cases or for simultaneous trial.

3. Suppose the defendants, who were sued by the plaintiff on various occasions in respect of the very same property, have come forward with such a plea, there would not be any impediment for

granting such a relief. On the other hand, the plaintiff, who has chosen to cause multiplicity of proceedings by filing three suits on three different occasions in respect of the same property cannot be allowed to seek either joint trial or simultaneous trial so as to prevent the defendants from availing the benefit under Section 10 of the Code of Civil Procedure. The learned trial Judge has not committed any error or mistake in exercise of jurisdiction in dismissing the said application warranting an interference by this Court in the present Civil Revision Petition. The Civil Revision Petition does not even merit admission and the same deserves to be dismissed at the threshold.

Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

**12.04.2016**

Index: Yes/No  
Internet: yes/No  
gpa

To

The District Munsif  
Tambaram

**P.R.SHIVAKUMAR.J.,**

gpa

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