

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.1422 of 2017
and C.M.P.No.6602 of 2017

A.Mohammed Hashim

.. Petitioner

Vs.

1.A.Mohammed Affan
2.A.Shameem Ahmed

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned XIII Assistant Judge, City Civil Court, Chennai, to dispose of the suit in O.S.No.730 of 2016 along with the suit in O.S.No.23 of 2015.

For Petitioner	: Mr.P.Rathanavel
For Respondents	: Mr.G.Anbumani for K.Manikandan

ORDER

The civil revision petition has been filed seeking a direction to the learned XIII Assistant Judge, City Civil Court, Chennai, to dispose of the suit in O.S.No.730 of 2016 along with the suit in

O.S.No.23 of 2015.

2. According to the petitioner, O.S.No.23 of 2015 has been filed by the first respondent for injunction against the petitioner herein and O.S.No.730 of 2016 has been filed by the petitioner against the respondents for declaration that the registered settlement deed dated 17.09.2014 executed by the second defendant in favour of the first defendant in respect of the suit property is invalid not binding upon the plaintiff and for consequential injunction. The issues and the parties are one and the same. Under this circumstance, if joint trial is not ordered, there will be a conflicting judgment by the same Court.

3. Learned counsel for the respondents submitted that the petitioner has suppressed various proceedings initiated by the parties in O.S.No.23 of 2015, wherein evidence were let in by both the petitioner and the respondents, arguments on behalf of the parties were heard, written submissions were filed and the suit was posted for judgment on 27.03.2017, 06.04.2017, 13.04.2017 and 19.04.2017.

4. Heard both sides and perused the materials available on

record.

5. The contention of the learned counsel for the respondents is that the arguments were already heard, written submissions were filed, O.S.No.23 of 2015 was posted for judgment on various dates and subsequently, it was adjourned to 19.04.2017. The petitioner has now not sought for joint trial before the learned trial Judge and no order has been passed by the learned trial Judge.

6. In these circumstances, I am of the view that the Civil Revision Petition is devoid of merits and it is hereby dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

18.04.2017

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Index:Yes/No

**Note:Registry to issue order
copy on 18.04.2017.**

V.M.VELUMANI,J.

To

XIII Assistant Judge
City Civil Court, Chennai.

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