

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2017

CORAM:

THE HONOURABLE Ms.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.1864 of 2017 & C.R.P.(PD) No.1865 of 2017
and
C.M.P.No.8967 of 2017 & C.M.P.No.8968 of 2017

C. Muthupandian

.. Petitioner

Vs.

1. K. Purushothaman
2. M. Palanivelu
3. S. Shanthi
4. K.Gangadharan
5. A.Desappan
6. D.Chitra

.. Respondents

PRAYER: These Civil Revision Petitions filed under Article 227 of the Constitution of India, to set-aside the Fair and Decretal order in Tr.O.P.No.92 of 2016 and Tr.O.P.No.93 of 2016 dated 21.03.2017 respectively passed by the Learned Principal District and Sessions Judge, Thiruvallur.

For Petitioner : Mr. A.Rajesh Kanna

C O M M O N O R D E R

Since the issues involved in both these petitions are one and the same, they are taken up together and a common order is being passed.

2. These Civil Revision Petitions have been filed to set aside the Fair and Decreetal order in Tr.O.P.No.92 of 2016 and Tr.O.P.No.93 of 2016 dated 21.03.2017 passed by the Learned Principal District Judge, Thiruvallur.

3. The petitioner is the plaintiff and filed the following three suits, namely,

(i) O.S.No.220 of 2013 against the respondents for permanent injunction restraining them, their men, agents and servants from interfering with his peaceful possession and enjoyment of the suit property.

(ii) O.S.No.240 of 2013 against the 2nd and 1st respondents for permanent injunction restraining them, their men, agents ad servants from interfering with his peaceful possession and enjoyment of the suit property.

Both the above suits are pending on the file of learned District Munsif, Thiruvottiyur

(iii) O.S.No.95 of 2014 against the respondents and others for permanent injunction restraining the respondents not to alienate and encumber the suit property and to declare the sale deeds dated 03.02.2014 executed by the 2nd respondent in favour of respondents 1 to 6, as Null and void respectively,

pending on the file of Sub Court, Ponneri.

4. The 2nd respondent filed two Tr.O.P.Nos.92 and 93 of 2016 on the file of learned Principal District Judge, Thiruvallur for transferring the two suits, namely, O.S.Nos.220 and 240 of 2013 respectively pending on the file of District Munsif, Thiruvottiur to the Sub- Court, Ponneri to be tried along with O.S.No.95 of 2014 for joint trial.

5. According to the second respondent, the schedule of the properties, issues and cause of action in all the three suits are one and the same. If the three suits are tried separately, there will be conflict of Judgements. The evidence to be let in, in all the three suits are one and the same.

6. The petitioner has filed counter affidavit in the both Tr.O.Ps and submitted that the properties in all the three suits are not one and the same. The property in O.S.No.220 of 2013 is absolute property of the petitioner. The property in O.S.No.240 of 2013 is lease hold property. The property in O.S.No.95 of 2014 is entirely

different from the other two properties.

7. The learned Judge considering the averments made in the affidavit, counter affidavit, materials available on record and relief sought for by the parties in all the suits, including schedule in all three suits came to the conclusion that the properties and parties in all the three suits are one and the same. In view of the same, the learned Principal District Judge, Tiruvallur allowed both the Tr.O.Ps.

8. Against the order dated 21.03.2017 in Tr.O.P.Nos.92 & 93 of 2016, the present civil revision petitions are filed by the petitioner.

9. Heard the learned counsel for the petitioner and perused the materials available on record.

10. The contention of the petitioner is that the properties involved in all the three suits are different, is contrary to the facts. The learned Judge considered all the materials available on record, the schedule of the complaints, in order to avoid conflicting Judgement and save time of the Court, allowed both the Tr.O.P.s by giving

cogent and valid reasons. In these circumstances, there is no illegality or irregularity warranting interference by this Court with the order passed by the court below.

11. In the result, these Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

16.06.2017

Speaking Order/Non-speaking Order
Index : Yes

av/ssd

To

The Principal District and Sessions Judge,
Thiruvallur.

V.M.VELUMANI, J.

ssd/av

C.R.P.(PD)Nos.1864 & 1865 of 2017

16.06.2017