

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.P.D.No.38 of 2017
and C.M.P.No.266 of 2017

V.T.S.Dayalan

.. Petitioner

-Vs.-

1. T.B.Ranganathan
2. Yasoammal
3. R.N.Raghunath

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order in I.A.No.27 of 2016 in O.S.No.108 of 2013 on the file of the I Additional District Judge at Thiruvallur dated 09.09.2016.

For petitioner ... Mr.V.Lakshminarayanan

O R D E R

The revision petition is directed against an order refusing to implead the third party in a suit for specific performance. The revision itself is filed only by the third party.

2. O.S.No.108 of 2013 is filed for specific performance on the file of the I Additional District Judge, Tiruvallur. The revision petitioner / proposed party claims to be the owner of the property.

3. It is stated by the petitioner in the affidavit that already he has filed a suit O.S.No.11 of 2007 on the file of the Sub Court, Tiruvallur for partition and the same is pending, in which, the present plaintiff and the defendants are said to be parties. There is also one another suit in O.S.No.50 of 2013 on the file of the District Munsif, Thiruvallur for declaration of title, filed by the first defendant herein. There seems to be documents created even pending *lis*. According to the revision petitioner, these transactions are all fraudulent and they are not binding on them. The learned trial Judge dismissed the application on the ground that the petitioner had not produced any document to show that he is the owner of the suit property and the trial has also commenced in the suit. But however considering the fact that in all the three suits as stated above, the parties are same, the petitioner ought to have sought for joint trial. Nevertheless, it is now stated by the revision petitioner that it

would be suffice to give a direction for joint trial of all the three suits.

4. Accordingly, this Court is inclined to order joint trial of O.S.No.108 of 2013 on the file of the I Additional District Judge, Tiruvallur, O.S.No.11 of 2007 on the file of the Sub Court, Tiruvallur, and O.S.No.50 of 2013 on the file of the District Munsif, Tiruvallur, to be tried together. The suits O.S.No.11 of 2007 and 50 of 2013 may be withdrawn and transferred to the file of the I Additional District Judge, Tiruvallur, to be tried along with O.S.No.108 of 2013 pending on the file of the I Additional District Judge at Tiruvallur. Only in the present suit, the trial has commenced and in rest of the suits, the trial is yet to commence. Hence, joint trial is ordered.

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

PUSHPA SATHYANARAYANA.J

srn

To

The I Additional District Judge
Thiruvallur

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