

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD).No.741 of 2017  
and C.M.P.Nos.3677 & 3678 of 2017

1.Govindaswamy

2.Jayaraman

... Petitioners

Vs.

1.Ramaswamy

2.Perumal

3.S.M.Chinnaswamy

4.P.Chinnathambi

5.R.Kathan

6.Subramani

7.Shanmugam

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the docket order dated 28.09.2016 in O.S.No.130 of 2004 on the file of the Principal District Munsif Court, Parmathi.

For Petitioners : Mr.P.Tamilvel

For Respondents : Mr.T.L.Thirumalaisamy (R4)

**ORDER**

Challenging the docket order passed in O.S.No.130 of 2004 on the file of the Principal District Munsif Court, Parmathi, the plaintiffs have filed the above Civil Revision Petition.

2.The plaintiffs filed the suit in O.S.No.130 of 2004 for partition.

3.The 4<sup>th</sup> defendant and one Palaniswamy had filed a suit in O.S.No.127 of 2006 on the file of the Principal District Munsif Court, Parmathi for mandatory injunction to level the suit land.

4.Both the suits were contested by the defendants therein and when the suits were posted for trial and after the filing of the proof affidavit by the plaintiffs in O.S.No.130 of 2004, the plaintiffs filed a memo before the trial Court seeking for joint trial of both the suits. Though the suit property mentioned in both the suits are one and the same, since the reliefs in the suit are completely different (i.e.) one is for partition and the other is for mandatory injunction to level the land, joint trial of both the suits is not required after a lapse of ten years from the date of filing of the suit. The plaintiffs, having kept quite for more than ten years, have come forward

with the present memo seeking for joint trial, which cannot be allowed. The trial Court, taking into consideration these aspects, rightly rejected the memo filed by the plaintiffs.

5. In these circumstances, I do not find any error or irregularity in the order passed by the trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Index : No  
Internet : Yes  
va

**06.03.2017**

To

The Principal District Munsif Court,  
Parmathi.

**M.DURAIWAMY,J.**  
va

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