



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2017

CORAM

WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P. (MD) No. 964 of 2017 (PD)

and

C.M.P. (MD) No. 4253 of 2017

1.Velmurugan

2.Muniyandi

S.Chellaiya (Died)

3.K.Karuppaiyah

4.T.Murugesan

.. Petitioners

Vs.

S.Mohan Kumar (Died)

1.Ramasamy

K.Ondiviran (Died)

2.M.Ondiveran

.. Respondents

Prayer :Civil Revision Petition is filed under Article 227 of the Constitution of India to call for the records and set aside the fair and decreetal order passed in I.A.No.421 of 2016 in O.S.No.176 of 2012 dated 18.01.2017 on the file of the Principal District Munsif Court cum JM, Bodinayakanur.

For Petitioner

:: Mr.K.K.Samy

ORDER

The revision petitioners who are the defendants in O.S.No.176 of 2012 have filed an application under section 10 and 151 of CPC to stay all further proceedings on the ground that the previous suit instituted by them in O.S.No.103 of 2012 on the file of Sub Court, Theni is pending trial. Therefore the subsequent suit namely O.S.No.176 of 2012 filed by the defendants should be stayed since the relief sought in both the suits are one and the same and the parties are also the same.

2.The Trial Court, after comparing the reliefs in both the suits, have found that the petition for stay is lacking of certain details and the petition filed as such is not maintainable for the said defects.

<https://hcservices.ecourts.gov.in/hcservices/>

3.This Court, while comparing the relief sought in both the suits, is of the opinion that the reliefs are not one and the



same. The suit in O.S.No.103 of 2012 is for a larger relief of framing scheme in respect of a Temple, whereas O.S.No.176 of 2012 is filed for a very limited relief of right of administering the Temple.

4. Therefore, this Court finds no error in the order passed by the Trial Court. If at all, the petitioner wants to have a joint trial or simultaneous trial, it is always open to him to approach the appropriate Court for transfer of the case and try both the cases together, provided, trial of the cases is not yet commenced.

5. With the above directions, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition CMP (MD) No.4253 of 2017 stands closed. No Costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar.

To
The District Munsif cum Judicial Magistrate,
Bodinayakanur Taluk, Theni.

+1CC to M/S.K.K.Samy, Advocate, SR.No. 55023

C.R.P. (MD) No. 964 of 2017 (PD)

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GK/MM

KK/MMS/12.05.2017/2P/3C