

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:27.04.2018

CORAM

The Hon'ble Mr.Justice **P.VELMURUGAN**

CRP(PD).No.4092 of 2017
& C.M.P.No.19182 of 2017
&TR.CMA.No.SR 36524 of 2018

1.T.D.Saravanan
2.S.Pushpavalli

.. Petitioners

vs.

1.T.S.Balasubramanian
2.P.Kabali
3.Pallavaram Mutual Benefit Fund Limited,
Rep. by its Secretary,
75, Shanmugam Road, West Tambaram,
Chennai - 600 045.

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order and decretal order of the Subordinate Court, Tambaram, in I.A.No.312 of 2016 in O.S.No.276 of 2015 dated 31.08.2017.

For Petitioners

... M/s.T.Eswaradhas

For Respondents

... Ms.Vasudha Thiagarajan for R1

ORDER

This Civil Revision Petition has been filed by the petitioner against the order and decretal order of the Subordinate Court, Tambaram, passed in I.A.No.312 of 2016 in O.S.No.276 of 2015 dated 31.08.2017.

2. The petitioners/plaintiffs have filed a suit for partition in O.S.No.276 of 2015 before the Subordinate Court, Tambaram. On the earlier occasion, this Court directed commencement of joint trial of these suits. Subsequently, the matter has been taken up before the trial Court and one suit was already dismissed for default. Against which, he filed an application to restore the suit. The restoration application with condone delay petition was dismissed. The Civil Miscellaneous Appeal is filed before the First Appellate Court and the case is pending and another suit has been filed by the respondent in which the revision petitioner has been set *ex-parte* and he filed the application under Order IX Rule 7 of CPC., which was dismissed. Against this order, he preferred the Civil Revision Petition. After obtaining direction of the Hon'ble Chief Justice, the Civil Miscellaneous Appeal is posted along with the revision. When the matter is taken up, both the counsel made an endorsement that

they consent for simultaneous trial of both the suits before the Subordinate Court, Tambaram. Since in one case already trial commenced and there would be some difficulty in the conduct of joint trial.

3. Taking note of the endorsement made by both counsel, this Court directs the trial Court to conduct simultaneous trial in both cases in accordance with law and dispose of the suit on or before 31.08.2018.

4. In the result, these Civil Revision Petition is disposed of with the above direction. No costs. Consequently connected miscellaneous petitions are closed.

27.04.2018

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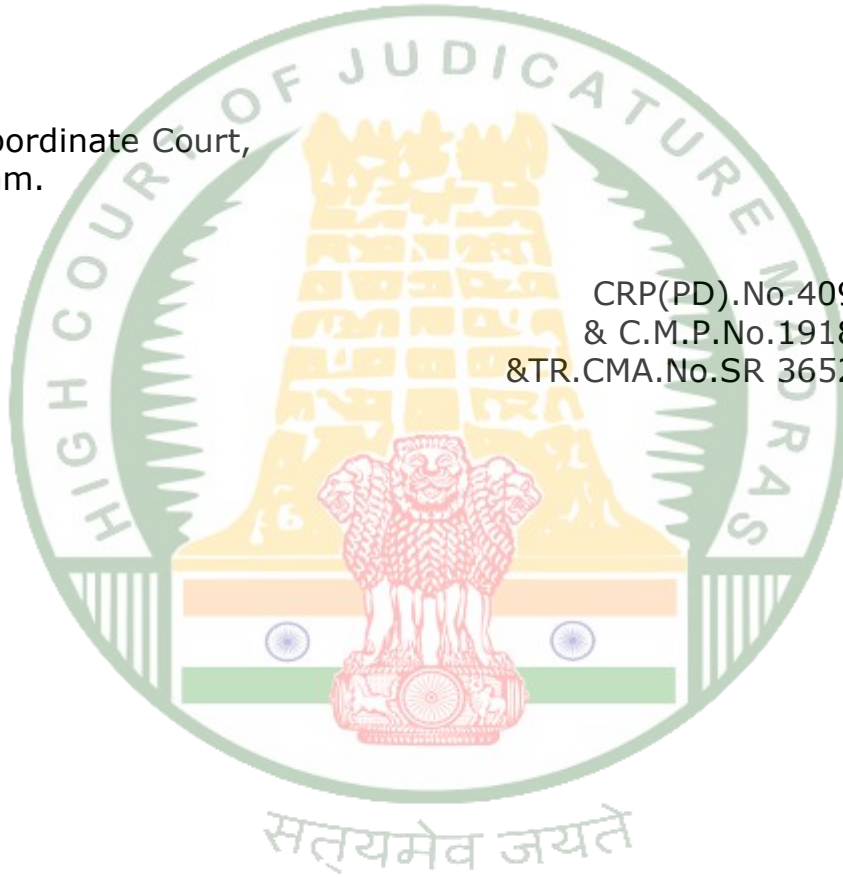
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P.VELMURUGAN.J,

To

The Subordinate Court,
Tambaram.



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