



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (MD)No.1311 of 2018 (PD)
and
CMP(MD)No.5577 of 2018

Justin
rep.by his power holder
Beula W/o.Justin ...Petitioner/Petitioner/Plaintiffs

Vs.

Kolappan ... Respondent/Respondent/Defendant

Prayer : This Civil Revision Petition is filed under Article 226 of the Constitution of India, to call for the records pertaining to the fair and decreetal order passed by the learned Principal District Munsif, Padmanabapuram in I.A.No.877 of 2016 in O.S.No.135 of 2014 dated 02.02.2018 and may set aside the same.

For Petitioner : Mr.K.P.Narayanakumar

For Respondent : Mr.K.Rajeshwaran

ORDER

The respondent herein filed OS.No.132 of 2013 on the file of the Principal District Munsif, Padmanabhapuram for demarcation of the suit property. The revision petitioner is shown as the third defendant in the said suit. The respondent filed the said suit in June, 2013. The revision petitioner herein filed OS.No.135 of 2014 seeking the relief of injunction in respect of A and B Schedule properties. The second suit was filed in June 2014. Thereafter, the revision petitioner filed I.A.No.877 of 2016 under Section 10 of CPC for staying the subsequent suit. The Court below dismissed the said interlocutory application filed by the revision petitioner by order dated 02.02.2018. The same is challenged in this Civil Revision Petition.

2.Heard the learned counsel on either side.

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

3.The revision petitioner is the one who instituted the second



suit. He seeks stay of his own suit proceedings. That apart, as observed by the court below in the first suit filed by the respondent, there was one property and that is shown as A schedule in the second suit. The respondent has applied for demarcation while the revision petitioner seeks permanent injunction.

WEB COPY

4. Therefore, in the very nature of things, both the suits must be jointly tried. The petitioner herein is not justified in asking for a stay. Therefore, even while sustaining the impugned order passed by the court below, this Court directs a joint trial of O.S.No.132 of 2013 filed by the respondent and O.S.No.135 of 2014 filed by the revision petitioner herein.

5. With this direction, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

The Principal District Munsif,
Padmanabapuram.

+1CC to Mr.K.P.Narayanakumar Advocate in Sr. NO.77570

+1CC to Mr.K.Rajeshwaran Advocate in Sr.no.77625.

SKM

DS SKN SAR-4 ;31.08.2018; 2P/4C

CRP (MD)No.1311 of 2018 (PD)

and

CMP (MD)No.5577 of 2018

06.08.2018