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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) No.930 of 2016

and

C.M.P. (MD) .No.4697 of 2016

Udhayakumar

.. Petitioner/Respondent/Plaintiff

/Vs./

1.Sivasankaran Pillai

..1stRespondent/1st Respondent/Defendant

2.Balasubramanian

.. 2nd Respondent/2nd Respondent/Proposed
2nd Defendant

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 14.03.2016 passed in I.A.No.105 of 2016 in O.S.No.296 of 2008 on the file of the Principal District Munsif-cum-Judicial Magistrate Court, Lalgudi and allow the present Civil Revision Petition.

For Petitioner : Mr.M.Saravanan for Mr.R.Subramanian
For Respondents : Mr.S.Karthik for R1
Mr.R.Sundar Srinivasan for R2

ORDER

The plaintiff in O.S.No.296 of 2008 on the file of the Principal District Munsif, Lalgudi, is the revision petitioner. It is a suit for injunction. Pending suit, the original defendants appear to have alienated the suit property in favour of the proposed party. In order to implead the alienee, the plaintiff filed I.A.No.105 of 2016 and the same was dismissed by order, dated 14.03.2016. The correctness of the said order is questioned in this Civil Revision Petition.

2.Heard the counsel on either side.

3.It is seen that the suit is of the year 2008. The present interlocutory application was filed after the completion of the plaintiff side evidence and at the stage of cross examination of DW2. It is also seen that the alienee has filed O.S.No.220/2011 against the present plaintiff. Both the suits are pending before the very same Court. Therefore, this Court is of the view that simultaneous trial is to be conducted in respect of both the suits. In fact the Court below appears to have proceeded on the same lines.



4. With these observations the impugned order is sustained and the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(protocol)

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/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Principal District Munsif-cum-Judicial Magistrate,
Lalgudi.

2. The Section Officer, (2 copies)
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.Subramanian, Advocate Sr.No.81585
+1cc to Mr.R.Sundar Srinivasan, Advocate Sr.No.81855
+1cc to Mr.S.Karthik ,Advocate Sr.No.81571

TM

VB/PM/SAR4/26.10.2018/2P/7C

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