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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
C.R.P. (PD) (MD) .No.1749 of 2018

and

C.M.P. (MD) No.7567 of 2018

Mani

... Petitioner

Vs.

Vengan

... Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 25.10.2017, passed in I.A.No.185 of 2017 in I.A.No.75 of 2013 in O.S.No.93 of 2013 on the file of the learned Sub Court, Vedasanthur by allowing this Civil Revision Petition with cost.

For petitioner : Mr.S.Gopalamanikandan

For respondent : No appearance

ORDER

The revision petitioner is the plaintiff in O.S.No.93 of 2013 and O.S.No.94 of 2013 on the file of the Sub Court, Vedasandur. The Court below by order dated 25.10.2017, ordered joint trial of both the suits. Questioning the same, this Civil Revision Petition has been filed.

2.This Court went through the suit schedules in both the complaints. It is obvious that the properties are different. The subject matter of the suit schedule in O.S.No.93 and 2013 are the lands comprised in S.No.999/1B, S.No.1000, 1000/2E. On the other hand, the suit schedule in O.S.No.94 of 2013 are lands comprised in S.No.910/2. Therefore, the Court below clearly erred in holding that the subject matter of both the suits are one and the same.

3.Since, the Court below proceeded on a factual misconception, the order impugned in this Civil Revision Petition is set aside.

4.Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Rti)

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Sub Assistant Registrar(CS-III)



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To:

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The Subordinate Judge,
Vedasandur.

Copy to
The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

1 CC TO Mr.S.Gopalamanikandan, ADVOCATE IN SR No. 86877.

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ORDER MADE IN
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and
C.M.P. (MD) No.7567 of 2018

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