

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.6766 of 2017

Order:

Aggrieved by the dismissal of an application for consolidation of two suits between the same parties but in respect of different properties, the defendant in both the suits has come up with the above civil revision petition.

2. Heard Mr. Sai Gangadhar Chamarty, learned counsel for the petitioner and Smt. G.Jhansi, learned counsel for the respondent.

3. Though the petitioner is the defendant in both the suits and the respondent is the sole plaintiff in both the suits, the 1st suit is for recovery of the property in Plot No.111. The 2nd suit is for recovery of the property in Plot No.112.

4. In respect of the suit of the year 2014, the entire evidence is now over. In respect of the suit of the year 2017, the petitioner was set *ex parte* and recently the *ex parte* order was set aside and the petitioner has filed written statement.

5. Therefore, if consolidation is ordered, a common trial is not going to take place since the trial in the 1st suit is already over. The main object of consolidating two suits is to ensure that common evidence is let in. That purpose is not going to be served in this case.

6. At this stage, if consolidation is ordered, the only object that it will achieve perhaps is to ensure that the 1st suit in which trial is over, is not decided earlier than the 2nd suit.

This purpose cannot be aided by a Court by consolidating both the suits. Hence, the civil revision petition is dismissed. The miscellaneous petitions, if any, pending in this revision shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

09th March, 2018.

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