

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2019

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. (PD) 2696 of 2015

and
M.P. 1 of 2015

P.Elumalai

... Petitioner

Versus

K.Pichandi

... Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the Order and Decreetal order passed in I.A.No.20 of 2014 in O.S.No.17 of 2011 on the file of the District Munsif Court cum Judicial Magistrate at Arcot, Vellore District dated 17.11.2014.

For Petitioner : Mr.K.G.Senthilkumar

ORDER

This Civil Revision Petition has been filed against the order allowing the joint trial in O.S.s 17 and 18 of 2011, pending on the file of District Munsif cum Judicial Magistrate, Arcot.

2. The petitioner is the plaintiff. He has filed a suit in O.S.17 of 2011 for recovery of money on promissory note, and also filed another suit in O.S. 18 of 2011 for recovery of money on mortgage. Pending suit, the respondent/defendant filed an application in I.A. 20 of 2014 seeking for joint trial, that was allowed by the Trial Court. Challenging the same, the present Civil Revision Petition has been filed.

3. Even though notice served on the respondent, and the name of respondent also printed in the cause list, none appeared on behalf of respondent.

4. I have heard and considered the submissions made by the learned counsel appearing for petitioner and perused the records carefully.

5. Two suits are pending between same parties, in which one suit is filed for recovery of money on a promissory note, and another suit is filed for recovery of money on a mortgage. According to the defendant, both suits are filed for recovery of money from the defendant, and the witnesses are also common, hence, he has sought for joint trial. Considering the same, the Trial Court has rightly allowed the application, and ordered joint

trial, and I do not find any error in the order passed by the court below, and I find no merit in the Civil Revision Petition.

6. In the result, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition in M.P. 1 of 2015 is closed.

7. Taking into consideration of the fact that, the suits are pending from the year 2011, the learned Trial Judge is directed to conduct joint trial and dispose of Suits within a period of three months from the date of receipt of the copy of this order.

05.12.2019

Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
rpp

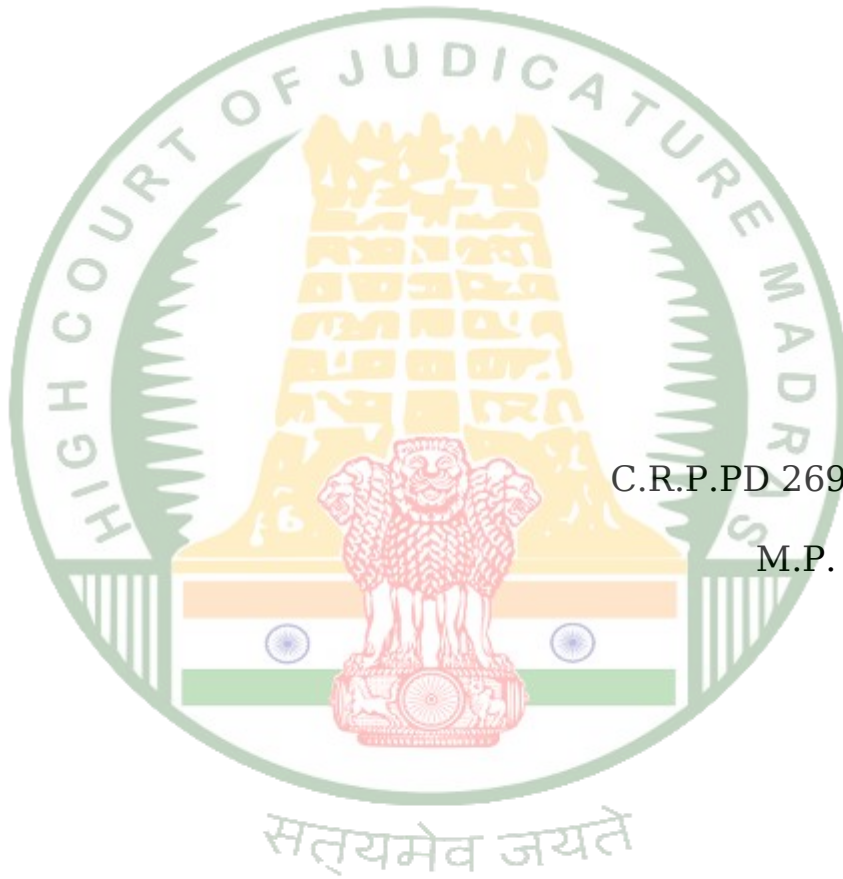
To

District Munsif cum Judicial Magistrate,
Arcot,
Vellore.

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V.BHARATHIDASAN,J.

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