

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

C.R.P. (PD) No.2763 of 2013 &

M.P.No.1 of 2013

Mr.P.Rajaraman

.. Petitioner

Vs.

1. Mrs.D.Anjalaiammal
2. Mr.D.Veeramani
3. Mr.D.Villumani
4. Mr.D.Thangamai
5. The Sub Registrar,
Kurinjipadi.
6. The District Registrar,
Cuddalore District,
Cuddalore.

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the docket order in the memo in O.S.No.178 of 2011 dated on the file of the learned Principal District Munsif Cuddalore.

For petitioner : Mr.N.Suresh

For Respondents : No appearance

ORDER

Aggrieved over the Order passed by the trial Court in a memo filed by the plaintiff in O.S.No.248 of 2011 for joint trial of the suit with O.S.No.178 of 2011, this revision has been filed.

2. It is an admitted fact that the suit in O.S.No.178 of 2011 has been filed for declaration and permanent injunction by the revision petitioner as against the respondents, who are defendants in the suit. Whereas, the suit in O.S.No.248 of 2011 has been filed by one Senthamari to set aside the sale deed dated 10.02.2011 against the revision petitioner alone. In O.S.No.178 of 2011, the trial is half way through. At this stage, the memo has been filed by the plaintiff in the other suit in O.S.No.248 of 2011 for joint trial. The trial Court has recorded the same and Ordered joint trial and common evidence.

3. It is to be noted that the parties are different and issue is also different in both suits. Though the suit properties appears to be one and the same, as long as the parties are different, there cannot be any joint trial. Further, merely because at the instance of one of the party in the other suit, joint trial cannot be ordered. Both the suits can be tried simultaneously and disposed of. Hence, the Order of the trial Court recording the memo is liable to be set aside.

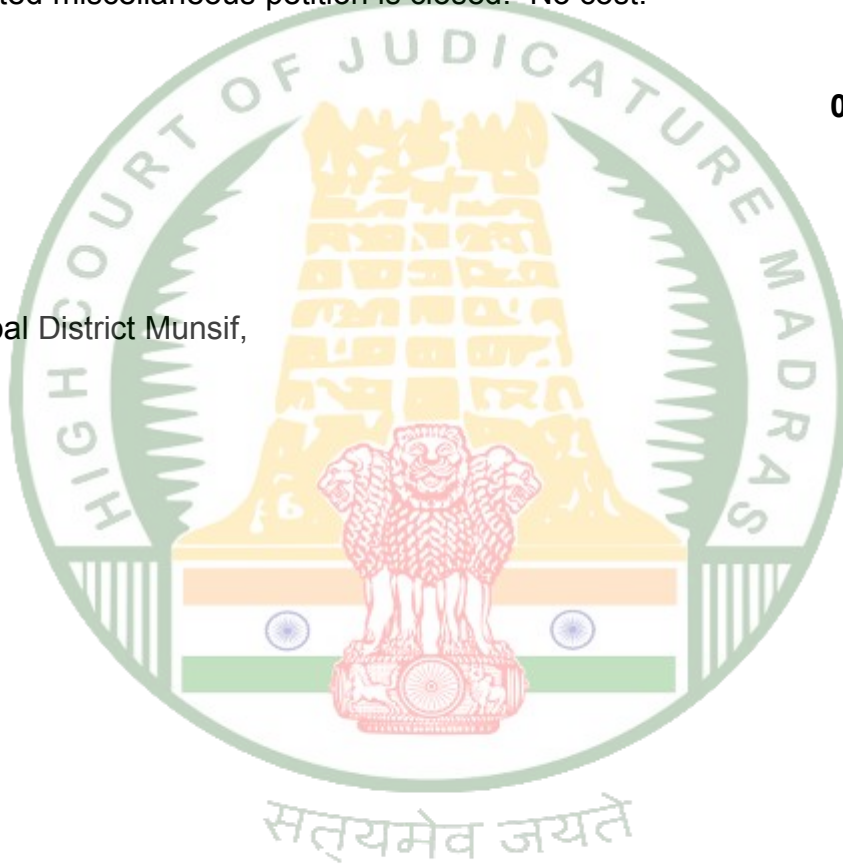
4. Accordingly, this Civil Revision Petition is allowed and the Order of the trial Court recording the memo is set aside and the trial Court is directed to dispose of the both the suits independently and simultaneously. Consequently, the connected miscellaneous petition is closed. No cost.

02.04.2019

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To

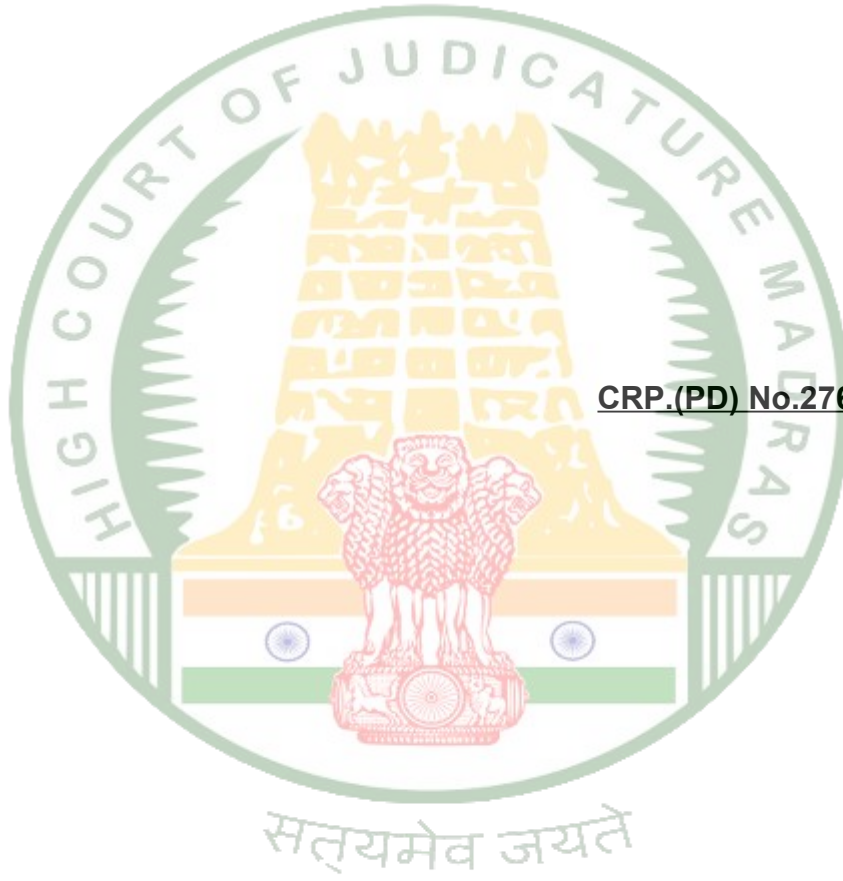
The Principal District Munsif,
Cuddalore.



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N.SATHISH KUMAR, J.

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