

IN THE HIGH COURT OF JUDICATURE AT MADRASDATED: **02.07.2019**

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE**C.R.P.(PD)No.2908 of 2014**
and M.P.No.1 of 2014

M.G.Rajarajan

...Petitioner

vs.

Maruthuvar Podhu Trust
Kunjaramurthi Vinayagar Koil,
Represented by Pon.Jayaraman,
Kunjaramurthi Vinayagar Koil Street,
Chidambaram,
Cuddalore District.

...Respondent

Prayer: Civil Revision Petition filed under Section 227 of the Constitution of India, against the fair and decreetal orders passed in I.A.No.66 of 2014 in O.S.No.140 of 2011 dated 16/06/2014 on the file of the Court of Additional District Munsif, Chidambaram.

For Petitioner : Mr.A.Muthukumar

For Respondent : No Appearance

ORDER

The instant Civil Revision Petition has been filed challenging the order dated 16.06.2014, passed by the learned Additional District Munsif, Chidambaram in I.A.No.66 of 2014 in O.S.No.140 of 2011.

Brief facts leading to the filing of the instant revision:

2.The petitioner is the defendant in the suit in O.S.No.140 of 2011 filed by the respondent, seeking for recovery of possession from the petitioner after removal of super structure put up on the said property. When the suit was in the part heard stage and the respondents witness was examined and posted for the petitioner/defendant side evidence, the respondent filed an application under Section 151 CPC, namely, I.A.No.66 of 2014 in O.S.No.140 of 2011, seeking for simultaneous trial of two suits, namely, O.S.No.140 of 2011 which was filed by the respondent as well as O.S.No.84 of 2009 which was filed by the petitioner. The said application, namely, I.A.No.66 of 2014 was allowed by the trial Court on 16.06.2014.

3.Aggrieved by the said order, the instant Civil Revision Petition has been filed under Article 227 of the Constitution of India.

4.Heard Mr.A.Muthukumar, learned counsel for the petitioner. Despite learned counsel having entered appearance on the side of the respondent in this revision, there is no appearance on the side of the respondent today.

5.This Court has perused and examined the impugned order and is of the considered view that the trial Court has rightly allowed the application I.A.No.66 of 2014 in O.S.No.140 of 2011 on the ground that the subject matter of property involved in both the suits, namely, O.S.No.140 of 2011 filed by the respondent against the petitioner and O.S.No.84 of 2009 filed by the petitioner against the respondent are one and the same and it is necessary for effective adjudication of dispute to try both the suits simultaneously.

6.This Court is in agreement with the view taken by the Additional District Munsif, Chidambaram under the impugned order. Therefore, this Court does not find any infirmity in the order passed by the trial Court.

7.Accordingly, the Civil Revision Petition shall stand dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
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ABDUL QUDDHOSE, J.

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To
The Additional District Munsif, Chidambaram.



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