

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.07.2019

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

**CRP (PD) No.2103 of 2019 &
C.M.P.No.13604 of 2019**

M. Koundappan .. Petitioner

-vs-

1. S.Kaliammal
2. S. Rajammal
3. K.Umanandan
4. J.Krishnaveni .. Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India against the order and decretal order in Tr.O.P.No.101 of 2018 on the file of Principal District Judge, Coimbatore, dated 08.04.2019.

For Petitioner : Mr. R. Poornima

For Respondents : No appearance

ORDER

The present Civil Revision Petition is preferred against the order passed in Tr.O.P.No.101 of 2018 directing the suit in OS.No.883 of 2014 to be tried along with OS.No.600 of 2015 before the I Additional District Judge, Coimbatore.

2. The petitioner is the plaintiff in O.S.No.883 of 2014 and 1st defendant in O.S.No.600 of 2015. The 1st respondent herein is

plaintiff in O.S.No.600 of 2015. Respondents 2 to 4 are defendants 2 to 4 in OS.No.600 of 2015. Petitioner and first respondent are brother and sister born to one Maruthappa Gounder and Subbathal. 2nd and 3rd respondents are the children of the petitioner. Parties have disputes over partitioning the properties.

3. The 1st respondent herein has filed Tr.OP.No.101 of 2018 before the trial Court seeking to transfer the suit in O.S.No.883 of 2014 pending on the file of II Additional District Munsif, Coimbatore to I Additional District Judge, Coimbatore for joint trial along with OS.No.600 of 2015, pending on the file of I Additional District judge, Coimbatore.

4. The District Court having considering the relationship, issues and the subject matter of the suits in both the suits being the same transferred and posted both the suits before the I Additional District Judge, Coimbatore to be tried together to avoid multiplicity of proceedings.

5. Aggrieved against the order passed by the trial court, the petitioner has preferred the present Civil Revision Petition.

6. It is the main contention of the learned counsel for petitioner that the suit in OS.No.883 of 2014 has ripen for trial and the suit in O.S.No.600 of 2015 is at the stage of service of summons and the 1st respondent has been prolonging the suit proceedings by filing applications, one after the other.

7. On perusal of the records, it is seen that the suit properties are almost one and the same and the prayer sought for in both the suits are inter connected. The decision made in one suit will have impact on the other. Taking into consideration the above aspects, the trial court has rightly transferred both the suits to be tried before the same Court in order to avoid multiplicity of proceedings .

8. Thus, I do not find any infirmity in the order passed by the trial Court. However, considering the submissions made by the learned counsel for the petitioner that the suit in O.S.No.883 of 2014 is in trial stage, a direction is issued to the I Additional District Judge, Coimbatore to take up both suits to conduct joint or simultaneous trial at its discretion and to dispose of both the suits within a period of six months from the date of receipt of a copy of

M.GOVINDARAJ, J.

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this order. Consequently, connected C.M.P.No.13604 of 2019 is closed.

08.07.2019

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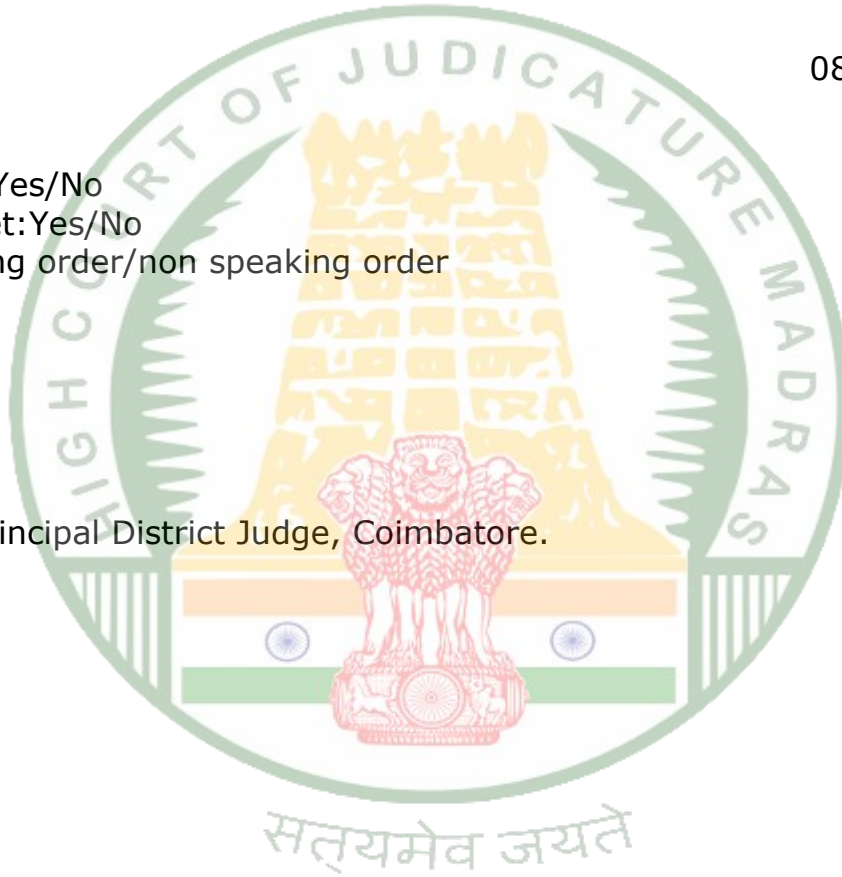
Index:Yes/No

Internet:Yes/No

speaking order/non speaking order

To

The Principal District Judge, Coimbatore.



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