

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2019

CORAM:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

CRP (PD) NO.2348 OF 2019ANDC.M.P.NO.15286 OF 2019

Snegaa

... Petitioner

VS.

1.Dhanalakshmi
2.S.Arunagiri
3.V.Senthilkumar

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India seeking to strike off the petition and order in I.A.No.02 of 2019 in O.S.No.190 of 2019 on the file of District Munsif, Pollachi.

For Petitioner : Mr.N.Ponraj
For Respondents : Mr.RR.Pradheep

ORDER

The petitioner is the daughter of one Late Agathursami and Swarnalatha. Since an information was given to her parents that she got married to somebody else, it is alleged that the parents of the

petitioner committed suicide. Before death, the father of the petitioner Agathursami executed a WILL in the year 2018, in favour of his sister Dhanalakshmi, who is the respondent herein.

2. Thereafter, the petitioner filed a suit in O.S.No.24 of 2019 for permanent injunction restraining the first respondent herein/ paternal aunt not to interfere with her peaceful possession and enjoyment of the suit property.

3. The first respondent filed a suit in O.S.No.48 of 2019 for declaration of title on the basis of the WILL executed by Late Agathursami and for injunction.

4. During pendency of both the suits, the tenant of the revision petitioner filed a suit against her for injunction, which ended in a compromise decree. On knowing that there is a compromise decree against the first respondent, the first respondent herein filed another suit in O.S.No.190 of 2019 to declare the judgment and decree dated 11.04.2019 obtained in O.S.No.106 of 2019, as null and void and to grant injunction on the basis of the judgment to be pronounced in O.S.No.48 of 2019.

5. Subsequently, the first respondent herein filed an interlocutory application in I.A.No.2 of 2019 in O.S.No.190 of 2019 for temporary injunction and obtained an order on 04.07.2019 and the same has been challenged before this Court by the revision petitioner on the ground that, while at an earlier instance, an injunction application has already been filed in O.S.No.48 of 2019, the second injunction application filed in O.S.No.190 of 2019 is not maintainable and that it has to be struck off.

6. Considering all the facts and circumstances of the case, this Court is of the considered opinion that the dispute is over the title of the schedule mentioned property, which is one and the same in all the suits. The real contesting parties are the revision petitioner and the first respondent. Therefore, in the interest of justice, this Court is of the considered opinion that all the suits viz., O.S.Nos.24 of 2019; 48 of 2019 and 190 of 2019 and the applications, if any, pending in any of the suits, are to be tried together by the District Court.

7. Accordingly, O.S.Nos.24 of 2019 and 190 of 2019 pending on the file of District Munsif Court, Pollachi are hereby withdrawn and transferred to the file of V Additional District Judge, Coimbatore, for

the purpose of trying all the cases together. The learned Trial Judge will decide as to whether to take simultaneous trial or joint trial. A further direction is issued to the learned V Additional Judge, Coimbatore, to dispose of all the suits, within a period of three months from the date of receipt of a copy of this order.

8. The Civil Revision Petition is disposed of accordingly. No costs. Consequently, connected civil miscellaneous petition is closed.

08.08.2019

Index : Yes/No
Internet : Yes/No
TK

To

1.The V Additional Judge
Coimbatore.

2.The District Munsif
District Munsif Court
Pollachi.

M.GOVINDARAJ, J.

TK



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