

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 25TH DAY OF SEPTEMBER 2019

THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

A.No.6127 of 2019

in

C.S. Nos.286 and 293 of 2017

C.S. No.293 of 2017:-

Tvl.T.K.K.N.N.Vysya Charities,
Rep. by its Managing Trustee,
Mr.D.V.S.Prasad,
New No.83, Venkatarangam Pillai Street,
Triplicane, Chennai-05. ... Plaintiff

-Versus-

1. Global Plastics,
Rep. by its Proprietor,
Mr.S.P.Jeyaprakash,
2. Mahalakshmi Industries
Rep. by its Managing Partner,
Mr.S.P.Jeyaprakash
1 & 2 are at Plot No.37,
Old Door No.4, New Door No.7,
Rama Rao Road, Mylapore, Chennai-4.
3. Gayathri Guptha
M/s.Mahalakshmi Industries, Partner,
4. Mr.A.Srinivas
M/s.Mahalakshmi Industries, Partner,
3 & 4 are at Old No.36, New No.83
Venkatarangam Pillai Street,
Triplicane, Chennai-5
5. Mr.J.Vijay,
Rep. by its Partner,
M/s.Mahalakshmi Industries,
Plot No.37, Old No.4, New Door No.7,
Rama Rao Road, Mylapore,
Chennai-600 004. ... Defendants

C.S. No. 286 of 2017 :

<https://hcservices.ecourts.gov.in/hcservices/>

Tvl.T.K.K.N.N.Vysya Charities,
Rep. by its Managing Trustee,

Mr.D.V.S.Prasad,
New No.83, Venkatarangam Pillai Street,
Triplicane, Chennai-05. .. Plaintiff

-Versus-

1. M/s.Shanthi Engineering Works,
Rep. by Mr.Vijay, Managing Partner,
2. Mr.A.Sreenivas, Partner,
M/s.Shanthi Engineering Works,
1 & 2 are at Old No.36, New No.83,
Venkatarangam Pillai Street,
Triplicane, Chennai-5.
3. Mrs.J.Visalakshi, Partner,
M/s.Shanthi Engineering Works,
Plot No.37, Old door No.4, New Door No.7,
Rama Rao Road, Mylapore, Chennai-600 004.
4. Mrs.Gayathri Gupta, Partner,
M/s.Shanthi Engineering Works,
Old No.36, New No.83,
Venkatarangam Pillai Street,
Triplicane, Chennai-5. Defendants

A.No.6127 of 2019:

Tvl.T.K.K.N.N.Vysya Charities,
Rep. by its Managing Trustee,
Mr.D.V.S.Prasad,
New No.83, Venkatarangam Pillai Street,
Triplicane, Chennai-05. ... Applicant/Plaintiff

-Versus-

1. Global Plastics,
Rep. by its Proprietor
Mr.S.P.Jeyaprakash,
2. Mahalakshmi Industries
Rep. by its Managing Partner,
Mr.S.P.Jeyaprakash
1 & 2 are at Plot No.37,
Old Door No.4, New Door No.7,
Rama Rao Road, Mylapore, Chennai-4.
3. Gayathri Guptha
M/s.Mahalakshmi Industries, Partner,
4. Mr.A.Srinivas
M/s.Mahalakshmi Industries, Partner,
3 & 4 are at Old No.36, New No.83

Venkatarangam Pillai Street,
Triplicane, Chennai-5

5. Mr.J.Vijay,
Rep. by its Partner,
M/s.Mahalakshmi Industries,
Plot No.37, Old No.4, New Door No.7,
Rama Rao Road, Mylapore,
Chennai-600 004.
6. M/s.Shanthi Engineering Works,
Rep. by Mr.Vijay, Managing Partner,
7. Mr.A.Sreenivas, Partner,
M/s.Shanthi Engineering Works,
1 & 2 are at Old No.36, New No.83,
Venkatarangam Pillai Street,
Triplicane, Chennai-5.
8. Mrs.J.Visalakshi, Partner,
M/s.Shanthi Engineering Works,
Plot No.37, Old door No.4, New Door No.7,
Rama Rao Road, Mylapore, Chennai-600 004.
9. Mrs.Gayathri Gupta, Partner,
M/s.Shanthi Engineering Works,
Old No.36, New No.83,
Venkatarangam Pillai Street,
Triplicane, Chennai-5. ... Respondents/Defendants

Application praying that this Hon'ble Court be pleased to order joint trial of the both suits in C.S.NO.293/2017 and C.S.No.286/2017 respectively.

This Application coming on this day before this Court for hearing the court made the order:

This application has been filed to order joint trial of both the suits in CS.Nos.293 and 286 of 2017.

2. The plaintiff in both the suits are same and the suits have been filed for damages. According to the plaintiff, the respondents/defendants are unauthorised occupants.

3. Mr.S.N.Kirubanandam, learned counsel for the applicant would submit that the issue involved in both the suits are common and documents relied on by the parties are also common. It is further submitted that pursuant to order of this Court dated 22.09.2017, an Engineer has filed

a comprehensive report and it applies for both the cases. To avoid conflict in judgments, both the suits may be tried together.

4. Per contra, Mr.B.K.Singh, learned counsel for the respondents vehemently opposed this application by contending that the parties involved in both the suits are different and distinct and the properties also different and hence, in order to protect the interest of the defendants, the joint trial cannot be ordered.

5. The learned counsel for the respondents further contended that there is an error in the judges summon. After filing the application, the learned counsel for the applicant has filed a Memo to confuse the mind of this Court. I do not find any substance in the submission of the learned counsel for the respondents.

6. Heard the rival submissions and perused the materials available on record.

7. In the instant case, it is not disputed that the plaintiffs in both the suits are same and the suits have been filed for damages for the unauthorised occupation by the defendants. As rightly contended by the learned counsel for the applicant, the issue in both the suits are same and hence, this application is ordered. Taking note of the fact that the suits were filed in the year 2017, the Trial shall be completed within a period of 6 months.

Sd/.M.K.K.S.J.

25.09.2019

//Certified to be a true copy//

Dated this the day of 2019.

SU/10.10.2019

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.