



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2019

CORAM:

THE HONOURABLE **MR.JUSTICE KRISHNAN RAMASAMY**

C.R.P. (MD)No.1721 of 2017
and C.M.P. (MD)No.9374 of 2017

Maragatham : Petitioner/Petitioner/1st Defendant

Vs.

Muniammal : Respondent/Respondent/Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 04.09.2017 passed by the District Munsif, Palani in I.A.No.413 of 2017 in O.S.No.149 of 2013.

For Petitioner : Mr.T.Lenin Kumar

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 04.09.2017 passed by the District Munsif, Palani in I.A.No.413 of 2017 in O.S.No.149 of 2013.

2.The above said Interlocutory Application was filed for the purpose to conduct a joint trial of the proceedings in O.S.Nos.149 of 2013 and O.S.No.6 of 2017 stating that the prayer in both the suits are common. However, the Court below dismissed the application stating that the joint trial is not possible though the survey numbers are common in both suits, however, prayers and the cause of action are different.

3. The learned counsel appearing for the revision petitioner contended that joint trial in the present case is just and necessary, since the prayer sought in both the suits are one and the same. Further, he contends that the subject matter of Survey No.1325/1 is the only one survey as appears in the suit schedule property in both the suits.

4. On the other hand, the learned counsel appearing for the respondent contended that it is an admitted fact that the subject matter in both the suits are one and the same and the prayers in both the suits are common. Therefore, for the purpose of interest of justice, if joint trial is conducted, it would help to provide a common verdict, apart from, saving the value of time to the Court.

5. Therefore, both the counsel contended that without considering these aspects, the Court below wrongly dismissed the



application, stating that though survey numbers are common in both the suits, prayers and cause of action are different.

6. Admittedly, the survey number of the subject matter of the property in both the suits is one and the same. The parties to the suits are common except in one suit only, the Government Officials have been impleaded as one of the parties. The main relief is against the individual parties, wherein, the right of the parties has to be decided by the Court below in suit schedule properties. When that being the case, this Court is of the view that in order to provide justice to the parties and to avoid multiplicity of proceedings and to save the time, the Court below should have considered the request of the parties to conduct joint trial. On the other hand, the Court below wrongly rejected the application. Therefore, the order of the Court below is liable to be set aside. Accordingly, the order dated 04.09.2017 passed by the District Munsif, Palani, in I.A.No.413 of 2017 in O.S.No.149 of 2013 is hereby set aside. The Court below is directed to conduct joint trial in O.S.No.149 of 2013 and O.S.No.6 of 2017 and dispose of the same, within a period of eight months from the date of receipt of a copy of this order.

7. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

gns

To

The District Munsif, Palani.

C.R.P. (MD)No.1721 of 2017
20.09.2019

na (CO)
TR(05.11.2019) 2P 2C