

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2020

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

**C.R.P.NPD.No.4243 & 4246 of 2019
and
C.M.P.No.27685 of 2019**

1. Madhan

2. Sridevi Madhan ... Petitioners in both CRPs

Vs.

S. Devi ... Respondent in CRP.4243/2019

1. Shanthakumari

2. Subramanian

3. S. Devi ... Respondents in CRP.4246/2019

Prayer in CRP.No.4243/2019:- This Civil revision has been filed under Article 227 of the Constitution of India to direct the learned Additional District Munsif, Poonamallee to speedily dispose off the I.A.No.793 of 2015 in O.S.342 of 2015 on the file of the Additional District Munsif, Poonamallee.

Prayer in CRP.No.4246/2019:- This Civil revision has been filed under Article 227 of the Constitution of India to direct the

learned Additional District Munsif, Poonamallee to speedily dispose off the I.A.No.854 of 2015 in O.S.354 of 2015 on the file of the Additional District Munsif, Poonamallee.

For petitioner : Mr. K. Surendranath
in both cases

COMMON ORDER

Earlier when the matters came up for hearing, notice and private notice were ordered.

2. Today, the learned counsel for the petitioners submitted that pursuant to the said order, private notice sent to the respondents returned as "unclaimed". However, in view of the order being passed in the Civil Revision Petitions, notice to the respondents is dispensed with.

3. Both the Civil Revision Petitions have been filed seeking a direction to the trial Court to dispose the interlocutory applications filed by the petitioners expeditiously. The petitioners herein filed a suit in O.S.No.354 of 2015 for declaration to declare a General Power of Attorney, sale agreement, and the sale deed executed by the first defendant is null and void and also for permanent injunction. Thereafter, the 3rd defendant in

O.S.No.354 of 2015 has filed a suit in O.S.No.342 of 2015, with respect to the same property, for permanent injunction restraining the petitioners herein from interfering with his peaceful possession and enjoyment of the same. Now, trial commenced in the above suits. CRP No.4243 of 2019 has been filed to dispose of the I.A.No.798 of 2015 in O.S.No.342 of 2015 filed by the respondent herein. CRP.No.4246 of 2019 has been filed seeking a speedy disposal of I.A.No.854 of 2015 in O.S.No.354 of 2015 filed by the petitioners herein. The interlocutory applications had been filed seeking injunction, which has been pending for a long time. Hence, the present revisions have been filed seeking for speedy disposal of the above interlocutory applications.

4. Mr. K.Surendranath, learned counsel for the petitioners would submit that the suit itself is of the year 2015 and the dispute is also in respect of the very same property between the same parties and also pending in the same Court. Hence, the witnesses and the documentary evidences are one and the same. Hence, the Court below may be directed to conduct a joint trial in both the suits and dispose the same expeditiously.

5. Considering the limited prayer sought for in the revisions, without going into the merits of the case and also the fact that the suits are pending from the year 2015 in respect of very same property between the very same parties, the learned District Munsif, District Munsif Court, Hosur, is directed to conduct joint trial in O.S.NO.342 and 354 of 2015 and dispose of the same within a period of three (3) months from the date of receipt of a copy of this order, after giving opportunity to both the parties, on merits and in accordance with law.

6. With the above directions, both this Civil Revision Petitions are disposed of. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

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10.01.2020

mrp

Index : Yes/No

Internet : Yes/No

Speaking order/non speaking order

Note : Issue order copy on 06.02.2020

To

The District Munsif Court,
Poonamallee.

<http://www.judis.nic.in>

V.BHARATHIDASAN, J.,

mrp



C.R.P.NPD.Nos.4243 & 4246 of 2019

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