



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

C.R.P. (MD)No.1687 of 2019

and

C.M.P. (MD)No.8717 of 2019

WEB COPY

1.Kandasamy
2.Palanichamy
3.Selvaraj

... Petitioners/Petitioner/
Defendants 2 to 4

-Vs-

1,Periyasamy
2.Junior Engineer
Idayakottai division
Tamilnadu Electricity Board,
oddanchathiram.
Dindigul district

... 1st Respondent/1st Respondent/
Plaintiff

... 2nd Respondent/2nd Respondent/
Defendant No.1

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records pertaining to the order in I.A.No.384 of 2018 in O.S.No.179 of 2011 on the file of the District Munsif, Oddanchathiram and set aside the same.

For Petitioners : Mr.M.Rajasekar

For Respondents : No Appearance

O R D E R

This Revision is filed challenging an order of the learned District Munsif, Oddanchathiram in I.A.No.384 of 2018 in O.S.No.179 of 2011 dismissing the prayer of the revision petitioners seeking joint trial of two suits.

2. Heard the learned counsel for the revision petitioner.

3. The brief facts are; the first respondent herein had laid a suit in O.S.No.179 of 2011 seeking declaration of his title and for mandatory injunction as concerning of the Survey No.341/3 C2; the revision petitioners are the defendant in the suit.; subsequently, the revision petitioners have laid a suit in O.S.No.21 of 2016 for declaration of his title and prohibitory injunction as concerning the same property. In these circumstances, the revision petitioners have moved the trial Court for a joint trial.

4. The learned District Munsif has dismissed the petition on the ground that:

a) even though the property falls in the same survey numbers, the extents are different;

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



b) in O.S.No.21 of 2016, Periyasamy remained exparte; and
c) in O.S.No.179 of 2011 Periyasamy has already been examined in chief as P.W.1.

5. The learned counsel for the revision petitioners would now submit that Periyasamy has filed necessary application in O.S.No.21 of 2016 to set aside the exparte order against him and that he has also filed his written statement.

6. Periyasamy has been served with a notice in this revision, but he did not appear.

7. This Court perused the entire materials and it is satisfied that this is the case, which ought to be tried jointly. The order passed in I.A.No.384 of 2018 in O.S.No.179 of 2011 is set aside. The District Munsif, Oddanchathiram shall conduct joint trial of two suits. Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1.The District Munsif, Oddanchathiram.

2.The Section Officer(2Copies)

V.R.Section, Madurai Bench of Madras High Court,
Madurai

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-23085[F] dated 27/11/2020)

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CK (CO)

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