IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2021

Coram

The Hon'ble Mr. Justice **C.V.KARTHIKEYAN**

C.R.P.PD.No.618 of 2020
and
C.M.P.No.3247 of 2020

1.Kasthuri
2.M.Shanmugam
... Petitioners / Defendants 1 and 2

Vs

1.A.Kalpana
2.V.Bhuvana
3.V.Sundaramurthy
4.Pangajavalli
5.Ponnatchi
6.Kousalya
7.Kamalakannan
8.Janaki
... Respondents / Plaintiffs / Respondents / Defendants 3 to 8

WEB COPY

Civil Revision Petition filed under Article 227 of the Constitution of India, to strike off the plaint filed in O.S.No.13 of 2020 now pending on the file of the Principal District and Sessions Court, Thiruvallur.

For Petitioners .. Mr.T.S.Rajamohan

For Respondents .. Mr.Sathish
for Mr.T.Sundaravadhanan

https://www.mhc.tn.gov.in/judis/

ORDER

This revision petition has been filed taking advantage of Article 227 of the Constitution of India by the 1st and 2nd defendants in O.S.No.13 of 2020 which is pending on the file of the Principal District and Sessions Court, Thiruvallur and later transferred to the IV Additional District Court, Ponneri at Tiruvallur, seeking to strike out the said suit.

2.The grievance of the revision petitioners is that they had in their status as plaintiffs instituted C.S.No.773 of 2016 which is now pending on the file of the Original Side of this Court. In that particular suit, the string of properties has been given to the schedule of the plaint. As a matter of fact, as many as 17 items had been mentioned.

3.In this particular revision petition and in O.S.No.13 of 2020, the parties are interested in item No.14 which is given to the schedule of the plaint in C.S.No.773 of 2016. The said item No.14 is a vacant land bearing Plot No.13, Vadivel Nagar, Madhavaram Village, Ambattur Taluk, Tiruvallur District.

WEB COPY

https://www.mhc.tn.gov.in/judis/

4.It appears from the reading of the plaint in O.S.No.13 of 2020, that the said property had been the subject matter of various transactions. The revision petitioners/plaintiffs in C.S.No.773 of 2016 claimed that the documents which reflect their title alone are valid, which stand is disputed by the plaintiff in O.S.No.13 of 2020 who in their suit before the IV Additional District Court, Ponneri at Tiruvallur, have sought for declaration of title over the very same property. Claiming that the same property is the bone of contention in two separate suits which is not permissible in the eyes of law, the revision petition has been filed seeking to strike off the plaint filed in O.S.No.13 of 2020 from the records of the IV Additional District Court, Ponneri at Tiruvallur.

5.Heard Mr.T.S.Rajamohan, learned counsel for the revision petitioner and Mr.Sathish for Mr.T.Sundaravadanan, learned counsel for the respondents / plaintiff in O.S.No.13 of 2020.

WEB COPY

6.It is a fact that item No.14 in C.S.No.773 of 2016 namely, vacant land bearing Plot No.13, Vadivel Nagar, Madhavaram Village, Ambattur Taluk, Tiruvallur District, is the subject matter of the suit in O.S.No.13 of 2020. However, the relief sought with respect to that

https://www.mhc.tn.gov.in/judis/

particular property in C.S.No.773 of 2016 is for permanent injunction. Whereas, the reliefs sought for in O.S.No.13 of 2020 is for declaration of title.

7.Let me not go into the rival claims, since both the suits are at nascent stage and it would be highly inappropriate to examine the merits of the parties over the title of the property. It would only be prudent that both the suits are tried together, since at least one issue revolves around the same property and the documents also relate to the same property. All these documents should be tested in the manner known to law.

8.Mr.T.S.Rajamohan, learned counsel stated that on getting necessary instructions to transfer O.S.No.13 of 2020 from the file of the IV Additional District Court, Ponneri at Tiruvallur, an application would be filed and the learned counsel stated that disposal of this revision petition should not come in the way of such application being filed. The petitioners herein are at liberty to file application as they deem fit for effective disposal of the issues raised in both the suits and to ensure that consistency in judgment is also granted to the parties with respect to the issues raised in the two parallel suits.

WEB COPY

https://www.mhc.tn.gov.in/judis/

9.The learned counsel for the respondents did not raise any serious objection for such procedure to be adopted.

10.With the above observations, the Civil Revision Petition is dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

07.07.2021

smv

Index : Yes / No
Internet : Yes / No
Speaking order : Yes / No

To,
The IV Additional District Court, Ponneri at Tiruvallur.

WEB COPY

https://www.mhc.tn.gov.in/judis/

C.V.KARTHIKEYAN,J.

smv

C.R.P.PD.No.618 of 2020
and
C.M.P.No.3247 of 2020

WEB COPY

07.07.2021

https://www.mhc.tn.gov.in/judis/