

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

**CRP (PD).No.3788 of 2018
and
C.M.P.No.21106 of 2018**

1. A.Mohanraj
2. A.Karthekeyan

... Petitioners

Vs.

R.Selvam

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 05.10.2018 passed in I.A.No.195 of 2018 in O.S.No.276 of 2016 on the file of the I Additional Sub Court, Villupuram.

For Petitioners : Mr.N.Doraikannan

For Respondent : Mr.R.Rajarajan

ORDER

This Civil Revision Petition is filed against the fair and decretal order passed in I.A.No.195 of 2018 in O.S.No.276 of 2016 dated 05.10.2018 on the file of the learned I Additional Sub Judge, Villupuram, thereby dismissing the petition for rejection of plaint.

2. The petitioners are the defendants 3 and 4 and the respondent is the plaintiff. The respondent filed the suit for declaration and recovery of possession and for mense profits in respect of the suit property. While pending the suit, the petitioners filed a petition for rejection of plaint on the ground that the petitioners already filed a suit for partition in O.S.No.101 of 2009 as against the respondent and others including the suit schedule property in the present suit. Therefore, already the suit schedule property is subjected for partition in O.S.No.101 of 2009 on the file of the Principal District Court, Villupuram and there cannot be two trial for the same property. However, he sought for joint trial for both the suits.

3. Considering the above submission, this Court finds no infirmity or illegality in the order passed by the Court below. Accordingly, this Civil Revision Petition is dismissed. However, the present suit in O.S.No.276 of 2016 is hereby ordered to be withdrawn from the file of the I Additional Sub Court, Villupuram and stand transferred to the file of Principal District Court, Villupuram. On receipt of the bundle in O.S.No.276 of 2016, the Principal District Judge, Villupuram is directed to conduct joint trial in both the suits in O.S.No.101 of 2009 and O.S.No.276 of 2016 and dispose of the same within a period of six months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed. No costs.

29.07.2021

Speaking/Non-speaking order
Index : Yes/No
kv

To

1. The Principal District Judge, Villupuram
2. The I Additional Sub Judge, Villupuram.
3. The Section Officer,
V.R. Section, High Court of Madras.

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G.K.ILANTHIRAIYAN,J.

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