



C.R.P.No.1520 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.No.1520 of 2019

1. V.Kuppan
2. C.Balraj
3. C.Chittibabu

.. Petitioner

Vs.

D.Narasmalu Yadav

.. Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order and decreetal order dated 26.11.2018 made in I.A.No.882 of 2018 in O.S.No.521 of 2015 on the file of Principal District Munsif, Poonamallee and allow this Civil Revision Petition.

For Petitioner : Ms.M.Rajalakshmi

For Sole Respondent : Mr.M.V.Seshachari

ORDER

This Civil Revision Petition has been filed as against the order and decreetal order dated 26.11.2018 made in I.A.No.882 of 2018 in O.S.No.521 of 2015 on the file of the learned Principal District Munsif, Poonamallee, thereby dismissing the petition seeking joint Trial in O.S.No.269 of 2015 and O.S.No.521 of 2015, on the file of the District Munsif Court, Poonamallee.

2. The petitioners are defendants in both the suits filed by the respondent



and another. According to the petitioners, the plaintiffs in O.S.No.269 of 2015 and O.S.No.521 of 2015 are brothers. They filed two suits separately for permanent injunction. Both the suit properties are ancestral properties of the defendants. They have no title over the properties and even then, they partitioned the suit properties among themselves and filed suits for permanent injunction. Therefore, in order to avoid the multiplicity of proceedings, the joint Trial is very much required in both the suits.

3. Admittedly, the plaintiffs in O.S.No.269 of 2015 and O.S.No.521 of 2015 are different parties, though they are brothers. The properties mentioned in the suits are different properties. Therefore, both the suits were filed for permanent injunction and both the suits have to be tried separately and it would not cause any multiplicity proceedings, since the plaintiffs and the properties are different in both the suits.

4. Hence, the Court below rightly dismissed the application filed by the petitioners and this Court finds no infirmity or illegality in the order passed by the Court below and this revision is liable to be dismissed. However, the Trial Court is directed to dispose of both the suits in O.S.No.269 of 2015 and O.S.No.521 of 2015, within a period of six months from the date of receipt of a



C.R.P.No.1520 of 2019

copy of this order, if not already disposed of.

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5. Accordingly, this Civil Revision Petition is dismissed. No costs.

07.12.2022

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

mn

G.K.ILANTHIRAIYAN,J.



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C.R.P.No.1520 of 2019

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To

1. The Principal District Munsif Court, Poonamallee.
2. The District Munsif Court, Poonamallee.

C.R.P.No.1520 of 2019

07.12.2022