



C.R.P(PD)No.514 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2022

CORAM:

THE HON'BLE Mr. JUSTICE N.SESHASAYEE

C.R.P(PD)No.514 of 2022
and C.M.P.No.2710 of 2022

1.M.Thangarasu
S/o.Muthusamy,

... Petitioner

Versus

1.S.Komarasamy,
S/o.Sengoda Gounder,

2.K.Nagarathinam,
W/o.S.Komarasamy,

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the Fair and decreetal order dated 28.10.2021 passed in IA.No.05 of 2021 in OS.No.27 of 2020, on the file of learned Principal District Munsif Court, Bhavani, Erode District.

For Petitioner : Mr.D.Senthilkumar

ORDER

There are two suits. The first suit was filed by the Revision Petitioner herein in O.S.No.8 of 2020 for bare injunction to secure his possession. The



defendants in the said suit filed their independent suit in O.S.No.27 of 2020 again for bare injunction. The Revision Petitioner then moved the trial Court in O.S.No.27 of 2020 to stay the suit under Section 10 C.P.C. alleging that the said possession was in contest in O.S.No.8 of 2020. The same was dismissed by the trial Court and hence the Revision.

2.Heard the learned counsel for the Revision Petitioner, who was vehement in his submissions as to how the respondents herein are abusing judicial process by filing another suit for injunction when O.S.No.8 of 2020 has already been filed where the same issue is involved.

3.In the opinion of this Court, a case is made out for consolidating both O.S.No.8 of 2020 and O.S.No.27 of 2020 for joint trial and not for stay of one's Suit. In a Suit for injunction based on possession by the plaintiff, it does not always imply that the Suit is dismissed. It protects the defendants therein of their possession. Therefore this Court does not want to interfere with the order of the learned Principal District Munsif Court, Bhavani, Erode District.

4.Consequently the Revision cannot be sustained. The Civil Revision Petition



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stands dismissed at the admission stage itself. The Court now consolidates both O.S.No.8 of 2020 and O.S.No.27 of 2020 for joint trial. Consequently, the connected C.M.P.No.2710 of 2022 is also dismissed. No costs

02.03.2022

Index : Yes/No
Internet : Yes / No
Speaking /Non Speaking

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To

The Principal District Munsif Court
Bhavani, Erode District.

N.SESHASAYEE, J.,

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