



C.R.P.(PD) No.1325 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.R.P.(PD).No.1325 of 2022

and

C.M.P.No.6978 of 2022

Mr.M.Sampath

... Petitioner

Vs.

Mr.B.Janarthanam

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 05.10.2021 passed in I.A.No.1 of 2021 in O.S.No.144 of 2013 on the file of the District Munsif Court, Chengalpattu.

For Petitioner : Mr.T.Thiyagarajan

ORDER

This Civil Revision Petition has been preferred challenging the order of the learned District Munsif, dated 05.10.2021 made in I.A.No.1 of 2021 in O.S.No.144 of 2013.

2. The revision petitioner is the defendant in O.S.No.144 of 2013 and



he has filed the petition in I.A.No.1 of 2021 for trying the suit jointly alongwith the other suit in O.S.No.239 of 2004. The said suit in O.S.No.239 of 2004 was filed by the respondent for the relief of recovery of possession and declaration and the suit in O.S.No.144 of 2013 was filed by the revision petitioner for the relief of permanent injunction. The learned Trial Judge had dismissed the petition filed for permission for joint trial. Aggrieved over that the revision petitioner has preferred this revision.

3. On perusal of the records, it is seen that the suit property shown in the suit schedule in O.S.No.239 of 2004 is the C-schedule property of O.S.No.144 of 2013. The suit A-schedule property is the larger extent in S.No.108/1B4 and the B-schedule property is the alleged encroached portion and C-schedule property is the property belonging to the respondent himself. Since the subject matter of both the suit mainly revolves around C-schedule property, the interest of justice will be served and the time of Court can also saved if the Court conducts joint trial of both suits. However, in view of the split up description of property given in O.S.No.144 of 2013 and in the nature of holistic relief prayed in the said suit, I feel it is appropriate if the evidence is let in O.S.No.144 of 2013. Hence, I feel that



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the order of the learned District Munsif Court, Chengalpattu, is liable to be set aside.

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4. Accordingly, this Civil Revision Petition is allowed and the fair and decreetal order dated 05.10.2021 passed in I.A.No.1 of 2021 in O.S.No.144 of 2013 on the file of the District Munsif Court, Chengalpattu, is set aside and the learned District Munsif is directed to conduct joint trial of both the suits in O.S.No.239 of 2004 and O.S.No.144 of 2013 and let in common evidence in O.S.No.144 of 2013. No Costs. Consequently, connected civil miscellaneous petition is closed.

08.06.2022

Index : Yes/No
Speaking Order : Yes / No
ssn

To

1. The District Munsif Court,
Chengalpattu.
2. The Section Officer,
VR Section, Madras High Court,
Chennai.

R.N.MANJULA, J.,



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