



CRP No.3470 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2022

CORAM

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

C.R.P. No.3470 of 2016

and

CMP No. 17668 of 2016

1. P.Kandasamy
2. Nataraj
3. P.Kumarasamy
4. Sakthivel
5. Jayapal

... Petitioners

Vs

Thangamuthu

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order and decretal order dated 18.10.2016 made in I.A.No.417 of 2015 in O.S.No.82 of 2015 on the file of the District Munsif Court, Palladam, allow the above Civil Revision Petition.

For Petitioners : Mr.M.Devendran

For Respondent : Mr.S.Kasirajan



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ORDER

WEB COPY This Civil Revision Petition has been filed to set aside the order dated 18.10.2016 made in I.A.No.417 of 2015 in O.S.No.82 of 2015 on the file of the District Munsif Court, Palladam, thereby dismissing the petition filed to stop all further proceedings in O.S.No.82 of 2015 on the file of the District Munsif Court, Palladam.

2. The petitioners are the defendants in the suit filed by the respondent for declaration in respect of the suit property in O.S.No.82 of 2015 on the file of the District Munsif Court, Palladam. Even prior to the said suit, the petitioner also filed a suit in O.S.No.177 of 2014 for permanent injunction in respect of one of the suit property of the present suit. Therefore, the petitioners filed an application to stop all further proceedings in O.S.No.82 of 2015 till the disposal of the suit in O.S.No.177 of 2014 on the file of the District Munsif Court, Palladam.

3. It is seen from the suit filed in O.S.No.82 of 2015, the respondent filed a suit for declaration, not only in respect of the suit property in O.S.No.177 of 2014 but also along other properties. Whereas, the petitioner filed a suit only for permanent injunction. Therefore, there is absolutely no impediment to try the suit filed by the



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respondent. Therefore, the Court below rightly dismissed the petition.

Hence, this Court finds no infirmity or illegality in the order dated 18.10.2016 made in I.A.No.417 of 2015 in O.S.No.82 of 2015 on the file of the District Munsif Court, Palladam.

4. In the result, this Civil Revision Petition stands dismissed. However, if the suit filed by the petitioners as well as the respondent is pending, the Trial Court is directed to conduct joint trial in both the suits and dispose of the same within a period of six months from the date of receipt of a copy of this order, if not already disposed of. Consequently, connected miscellaneous petition is closed. No costs.

08.12.2022

Index : Yes/No

Internet : Yes/No

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To
The District Munsif,
Palladam.

G.K.ILANTHIRAIYAN,J.



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