



C.R.P(PD)No.2665 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

**C.R.P(PD).No.2665 of 2017**

**and**

**CMP.No.12714 of 2017**

B.Kamalambigai

..Petitioner

Vs.

Sidhi Nasbisathul Badhuriya,  
W/o. Mohamed Ansari,  
No.8, Chewee Chain Road,  
Singapore – 119750.

Represented by Power Agent, Mr.Habibunnisa,  
W/o.Najeer Mohamed,  
No.28/10, Muthumanickam Street,  
Chidambaram.

..Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order and decreetal order dated 01.03.2017 in Tr.O.P.No.27 of 2015 on the file of the Court of Principal District Judge, Cuddalore District.

For Petitioner : Ms.Anjolie Udhayarani

for Mrs.P.Veena Suresh

For Respondent : No Appearance



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### **ORDER**

This Civil Revision Petition had been filed, questioning the order dated 01.03.2017 in Tr.O.P.No.27 of 2015 passed by the Principal District Court at Cuddalore. The plaintiff in O.S.No.58 of 2013, which is now pending on the file of the Principal District Court at Cuddalore is the revision petitioner herein.

2.The said suit in O.S.No.58 of 2013 had been filed seeking a right of occupancy with respect to a property, which is situated at Keerapalayam Village, Chidambaram Taluk bearing R.S.No.121/4 measuring 0.43 cents and also bearing Door No.49 (Old No.578). The boundaries are that it is situated to the East of Ramaiyan property to the West of Harikrishnan property to the South of Channel and to the North of Boothankudi Channel and Bhuvanagiri Road. The plaintiff claims a right on the basis of a rent deed executed between the plaintiff and the defendant on 30.04.2008.



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3.The respondent herein, who was the defendant in O.S.No.58 of 2013 had then filed O.S.No.77 of 2013 on the file of the Sub-Court, Chidambaram. In that suit, the relief sought was for ejectment of the revision petitioner / defendant in O.S.No.77 of 2013 / plaintiff in O.S.No.58 of 2013 after removing the super structure and for recovery of arrears of rent. The document, which is relied on by the respondent herein / plaintiff in O.S.No.77 of 2013 is again, the very same document now termed as lease deed and dated 30.04.2008.

4.It is thus, seen that both the parties required the Court to interpret the terms of one particular deed namely, lease deed or rent deed, which is dated 30.04.2008, and which had been entered between the two parties.

5.It would only be appropriate, to maintain consistency, that one single Court has given this particular opportunity of interpreting that particular document. If it were to be interpreted by two separate courts, it would only lead to inconsistency in such interpretation and that should be



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avoided.

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6.A perusal of the schedule of the property in O.S.No.77 of 2013 shows that it is also in R.S.No.121/4, which is the same survey number for the property in O.S.No.58 of 2013 and also has as its boundaries on the East the Ramaiyan property, which is again as the property in O.S.No.58 of 2013, on the South the Channel, which is again the same boundary for the property in O.S.No.58 of 2013.

7.It is stated that by the learned counsel that the plaintiff in O.S.No.58 of 2013 is in occupation of a smaller extent of a larger extent of a property. Both the larger extent and smaller extent have been described in O.S.No.77 of 2013 whereas only the smaller area had been described in O.S.No.58 of 2013.

8.The document necessary to determine the right to occupy and the right to eject from occupation is the same. The issue will require the same set of evidence. It would therefore, only be appropriate that both the



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parties adduce evidence jointly in both the suits. I do not find any infirmity in the order of the learned Principal District Judge, Cuddalore, who held that the two suits should be tried jointly. This would only to the convenience and advantage of the parties.

9.The plaintiff should very well participate in a joint trial. Even if the trial is to be conducted jointly still, she would be given opportunity to lead evidence and it cannot be her grievance that merely because that the suits are tried jointly, an opportunity to tender evidence or to mark documents would be denied or frustrated. I am confident that would not be the case.

10.With the above observations, this Civil Revision Petition is dismissed. Let the trial in both the suits proceed further as directed in Tr.O.P.No.27 of 2015 by the Principal District Court, Cuddalore. No costs. Consequently, connected miscellaneous petition is closed.

**23.03.2022**

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Index:Yes/No

Internet:Yes/No

Speaking/Non-speaking order

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**C.V.KARTHIKEYAN, J.**

KKN

To:-

The Principal District Court,  
Cuddalore.

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**and**  
**CMP.No.12714 of 2017**

**23.03.2022**