



CRP(PD)(MD)No.1279 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.1279 of 2022 and
CMP(MD) No.5245 of 2022

1.C.Rajamani
2.P.Nagarajan

... Petitioners

Vs

1.The Government of Tamilnadu,
Rep through the District Collector,
Madurai District,
Madurai.

2.The Commissioner,
Hindu Religious and Endowments Department,
Nungambakkam,
Chennai.

3.The Fit person,
Arulmigu Vallakonda Amman Temple,
Seelnayakkanpatti,
Peraiyur,
(In the office of),
The Executive Officer,
Arulmigu Sundaramahalingam Temple,
Sathuragiri.

... Respondents



CRP(PD)(MD)No.1279 of 2022

Prayer: Petition filed under Article 227 of the Constitution of India, to set aside the order dated 28.04.2021 made in I.A.No.205 of 2021 in O.S.No.34 of 2018, on the file of the District Munsif, Peraiyur, Madurai District.

For Petitioner : Mr.S.Madhavan
For R1 & R2 : Mr.M.Lingadurai
Government Advocate
For R3 : Mr.S.Manohar

ORDER

This Civil Revision Petition is filed as against the order passed by the learned District Munsif, Peraiyur in I.A.No.205 of 2021 in O.S.No.34 of 2018.

2.The petitioners herein have jointly and separately filed suits in O.S.Nos.33 of 2018, 34 of 2018 and 35 of 2018 before the District Munsif Court, Peraiyur for the relief of declaration and permanent injunction. They have also filed I.A.No.205 of 2021 in O.S.No.34 of 2018, under Section 151 of CPC seeking joint trial of all the above suits that the issue involved in all three suits and the documents relied upon by them are one and the same. But, the trial Court has dismissed the said application on the ground that though



CRP(PD)(MD)No.1279 of 2022

the documents relied upon in all the suits are one and the same, the parties are different and the suit schedule properties are also different. Hence, the petitioners are before this Court with the present Civil Revision Petition.

3.The learned counsel appearing for the petitioners submits that mere sub division of the property by the Revenue Department cannot be construed that the suit properties are one and the same. Also, the trial Court failed to consider that the documents relied upon by the petitioners are one and the same. Hence, the order of the trial Court has to be set aside.

4.The learned counsel appearing for the third respondent submits that he is not having any objection for conducting joint trial in all three suits.

5. Though the issue involved in all three suits and the documents relied upon by petitioners are one and the same, the suit properties and the plaintiffs are different. The trial Court has held that in all the suits, issues have been framed and the suits were posted for examination



CRP(PD)(MD)No.1279 of 2022

of witnesses. Hence, the decision of the trial Court in dismissing the petition filed by the petitioners needs no interference. However, considering the fact that the suits are of the year 2018, the trial court shall conduct the trial simultaneously and the petitioners are at liberty to obtain the certified copy of the documents which they have to file it in other suits and shall mark those documents simultaneously in other suits also. The trial Court shall also expedite the trial and conclude the same within a period of eight months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

04.07.2022

Index : Yes / No.

Internet : Yes / No.

vrn

To

The District Munsif, Peraiyur



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CRP(PD)(MD)No.1279 of 2022

B.PUGALENDHI, J.

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Order made in
CRP(PD)(MD)No.1279 of 2022

04.07.2022