



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.04.2022
CORAM

THE HONOURABLE MRS.JUSTICE S.ANANTHI

CRP(MD).No. 998 of 2022 and
CMP(MD).No.3956 of 2022

S.Santhanam

... Petitioner/Petitioner/
Plaintiff

Vs.

1.S.Muniyandi
2.S.Murugavel

... Respondents/Respondents/
Defendants

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and ex order, dated 29.03.2022 passed by the District Munsif Court, Bodinayakkanur in I.A.No.3 of 2021 in I.A.No.1 of 2021 in O.S.No.75 of 2021.

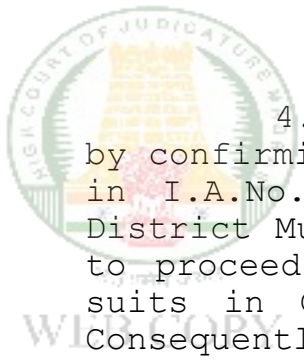
For Petitioner : Mr.P.R.Prithiviraj

ORDER

The revision petitioner / defendant has filed this revision to set aside the order, dated 29.03.2022 passed in I.A.No.3 of 2021 in I.A.No.1 of 2021 in O.S.No.75 of 2021, on the file of the District Munsif Court, Bodinayakkanur.

2. Heard the learned counsel appearing for the petitioner. Since no adverse order passed against the respondents, no notice is necessary to the respondents.

3. The said Interlocutory Application in I.A.No.1 of 2021 was filed by the revision petitioner / defendant under Section 10 of CPC to stay the proceedings in O.S.No.75 of 2021, since he has already filed one suit in O.S.No.20 of 2020. The said suit in O.S.No.20 of 2020 was filed by the revision petitioner for permanent injunction. Now, the suit in O.S.No.75 of 2021 filed by the respondents / plaintiffs for declaration and injunction and hence, both the suits can be tried jointly. For the reasons stated in I.A.No.3 of 2021 in I.A.No.1 of 2021 in O.S.No.75 of 2021 stay cannot be granted. So, the trial Court has rightly dismissed the application filed by the revision petitioner / defendant. Hence, this Court is not inclined to interfere with the order passed by the Court below.



4. Accordingly, this Civil Revision Petition is dismissed by confirming the order, dated 29.03.2022 passed in I.A.No.3 of 2021 in I.A.No.1 of 2021 in O.S.No.75 of 2021, on the file of the District Munsif Court, Bodinayakkanur. The trial Court is directed to proceed with the matter by conducting joint trial in both the suits in O.S.No.75 of 2020 and O.S.No.20 of 2020. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The District Munsif, Bodinayakkanur.

CRP(MD) .No. 998 of 2022

Date:28.04.2022

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