



CRP(PD)(MD)No.2208 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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and

CMP(MD)No.10308 of 2022

1. Sikkandar
2. S.Sikkandar
3. Rabiyaabeevi
4. Sagarbanu
5. Soviet Nisha
(R2 to R5 are impleaded through
their Power Agent 1st petitioner)

... Petitioners

versus

1. Umarsalima @ Ummujalmabeevi
2. Mohammed Yusuf
3. Alima
4. Rayiman Beevi

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 17.08.2022 passed in I.A.No.2 of 2022 in O.S.No.121 of 2021 by the District Munsif cum



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Judicial Magistrate Court, Thiruchuli.

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For Petitioners : Mr.T.Balaji

ORDER

This Civil Revision Petition is filed against the fair and decreetal order dated 17.08.2022 passed in I.A.No.2 of 2022 in O.S.No.121 of 2021 by the District Munsif cum Judicial Magistrate Court, Thiruchuli.

2. The petitioners herein are plaintiffs in O.S.No.121 of 2021 on the file of the District Munsif cum Judicial Magistrate, Thiruchuli. They filed the above interlocutory application in I.A.No.2 of 2022 for a joint trial stating that another suit in O.S.No.225 of 2021 has been filed by the respondents/defendants with regard to the same suit schedule property and the same is also pending before the same Court and in order to avoid multiplicity of proceedings and for repeated evidence, both the suits can be tried together. The trial Court, by order dated 17.08.2022, dismissed the said application that the petitioners/plaintiffs



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in O.S.No.121 of 2021 have filed the above suit for three items of suit schedule properties, whereas, O.S.No.225 of 2021 is filed only for one property and therefore, a joint trial may create confusion while deciding the issue and also during the cross examination. Aggrieved over the same, the present Civil Revision Petition is filed.

3. The learned counsel appearing for the petitioners submits that though the properties are mentioned as three items of properties, all the properties are pertaining to Survey No.55/1B. The suit filed by the respondents/defendants is with regard to the same schedule property in Survey No.55/1B and in both the suits, the parties are one and the same. Therefore, in order to avoid repeated evidence and for marking relevant documents, a joint trial is required.

4. This Court considered the submissions made by the learned counsel for the petitioners and also perused the materials placed on record.



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5. The petitioners herein have filed the above suit in O.S.No.121 of 2021 for declaration and permanent injunction, wherein, three items of properties are mentioned in the suit schedule properties. Though the suit schedule property is Survey No.55/1B, he claimed 1/3rd share in Survey No.55/1B from the extent of 1 acre 89 cents. The boundaries mentioned in the suit schedule properties are different. The respondents have filed the suit in O.S.No.225 of 2021 for declaration and also for mandatory injunction to remove certain constructions made by the petitioners. As rightly pointed by the trial Court, boundaries mentioned in the suit schedule properties are different and the reliefs sought for in both the suits are also different. Therefore, it would certainly cause inconvenience to the trial Court, while deciding the issue, if both the suits are tried together. Therefore, this Court is not inclined to allow the Civil Revision Petition.

6. Accordingly, the Civil Revision Petition is dismissed. No



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costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No.

Internet: Yes / No.

To

The District Munsif cum Judicial Magistrate Court,
Thiruchuli.



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B.PUGALENDHI, J.

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