



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2022

CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P(NPD) (MD) .No. 1652 of 2017

and

C.M.P. (MD) No. 9234 of 2017

WEB COPY

1. Family Manager Palaniyappan,
2. Family Manager Palanisamy,
3. Family Manager Raman, ... Petitioners/ Petitioners/
Plaintiffs

Vs

1. Nagammal
2. Perumal
3. Chinnu
4. Kannusamy ... Respondents / Respondents/
Defendants

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the impugned Decree and order in I.A.No.28 of 2017 in O.S.No.357 of 2009 dated 20-06-2017, passed by the learned Principal District Munsif, Manapparai.

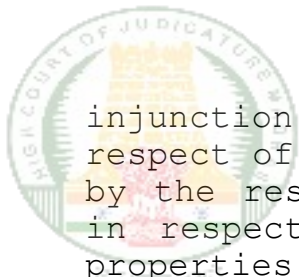
For Petitioner : Mr.G.Sridharan
For Respondents : Mr.N.R.Balaji (R1 to R4)

ORDER

This Civil Revision Petition has been filed by the revision petitioner to set aside the impugned Decree and order in I.A.No.28 of 2017 in O.S.No.357 of 2009, dated 20-06-2017, passed by the learned Principal District Munsif, Manapparai.

2.Heard the learned counsel appearing for both sides and perused the materials available on record.

3.The revision petitioner filed a petition in I.A.No.28 of 2017 to conduct a joint trial in O.S.No.353 of 2009 along with O.S.No.135 of 2010, on the file of learned Principal District Munsif, Manapparai. Both the suits were filed for the relief of permanent



injunction. O.S.No.135 of 2010, was filed by the plaintiff in respect of several properties, whereas, O.S.No.135 of 2010 was filed by the respondent/defendant for the relief of permanent injunction in respect of three properties in O.S.No.353 of 2007. All the properties are one and the same and the deciding Court is also one and the same. However, the trial Court dismissed the I.A.No.35 of 2017, on the ground that already in O.S.135 of 2010 PW1 was examined and documents also marked and it is not possible to try both the suits in a joint trial.

4.As both the suits are dealt with the same properties and the deciding Court is also one and the same, both the suits can very well be tried jointly. Accordingly, this Civil Revision Petition is allowed and the impugned Decree and order in I.A.No.28 of 2017 in O.S.No.357 of 2009, dated 20.06.2017 passed by the learned Principal District Munsif, Manapparai, is hereby set aside. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS I)

/TRUE COPY/

/ /2022

Sub Assistant Registrar(CS)

PNM

To

1.The Principal District Munsif,
Manapparai

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G. SRIDHARAN, Advocate (SR-17808[F] dated 11/04/2022)

ORDER IN
C.R.P (NPD) (MD) .No. 1652 of 2017

and
C.M.P. (MD)No.9234 of 2017
11.04.2022

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