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C.R.P. No. 373 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No. 373 of 2023
and
C.M.P. No. 3054 of 2023

V.Gajendran

... Petitioner

Vs

1. D.V.Thiagarajan
2. D.V.Nagarajan
3. Kudhi Padmanaba Naidu
4. Varadharajulu

... Respondents

PRAYER : Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the docket order dated 08.07.2022 passed by the learned Addl. District Munsif Court, Vellore in O.S. (SR) No. 1248 of 2022 in O.S.No.278 of 2015.

For Petitioner : Mr.D.Thirumoorthy



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ORDER

Challenging the impugned docket order dated 08.07.2022 passed by the learned Addl. District Munsif Court, Vellore passed in OS (SR) No. 1248 of 2022 in O.S.No. 278 of 2015, the Revision Petitioner/3rd defendant preferred this Civil Revision Petition.

2. The learned counsel for Revision Petitioner would submit that he has filed a suit in O.S.No.20 of 2020 before the District Munsif Court at Vellore claiming the relief of declaration, since he purchased the property through court auction and other consequential relief of delivery and possession of the property. Previously, the respondents 1 and 2 have filed a suit in O.S.No.278 of 2015 for the relief of declaration to declare the sale certificate issued in favour of petitioner as null and void and both the suits are pending before the same court and it is ripe for trial. Before the trial court, a memo was filed by the respondents 1 and 2 seeking for a joint trial, since the parties in both the suits are one and the same and it is ordered to be



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tried jointly. Challenging the said order, the petitioner/3rd defendant preferred this Civil Revision Petition.

3. On perusal of records, it would reveals that for the same property, the parties are challenging each other for claiming declaration by filing two separate suits. Admittedly, this petitioner purchased the property in court auction. So, he wanted to declare his title and accordingly, he filed a suit in O.S.No.20 of 2022 and the respondents 1 and 2 are owners of the property filed a suit in O.S. No.278 of 2015 to declare the court auction sale certificate as null and void for the very same property. So, the issue between the parties are one and the same. Therefore, the findings of the trial court to have a joint trial is justifiable one, which needs no interference. The learned counsel for petitioner would submit that he filed an application under Order 7 Rule 11 of C.P.C. to reject the plaint and the same is pending. But, however, there is no stay. Both parties are directed to work out their remedy jointly and thus, the findings rendered by the trial court is valid one, which needs no interference. Accordingly, this Civil Revision Petition is dismissed and the trial court is directed to try both the suits jointly and dispose the



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suits within a period of six months from the date of receipt of copy of this order and the application filed by the petitioner to reject the plaint under Order 7 Rule 11 of C.P.C. is also directed to be disposed of on merits. No costs.

07.03.2023

Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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To

Addl. District Munsif,
Vellore.



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T.V.THAMILSELVI, J.

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