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C.R.P.No.4611 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.4611 of 2023

and

C.M.P.No.27513 of 2023

D.Girija

... Petitioner

-Vs-

D.Punniavayathi (died)

1. Sakthivel
2. D.Shanthi
3. D.Prabhu
4. D.Mahalakshmi
5. D.Shiva

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the docket order dated 07.02.2023 in O.S.No. 32 of 2012 on the file of Hon'ble District Munsif Court, Ambattur and direct the Hon'ble District Munsif Court, Ambattur to conduct the joint trial for the suits in O.S.No.32 of 2012 and O.S.No. 90 of 2012.

For Petitioner

: Mr.S.Kathiravan



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ORDER

Challenging the impugned docket order passed in O.S.No. 32 of 2012 passed by the learned District Munsif, Ambattur and to direct the learned District Munsif, Ambattur to conduct the joint trial for the suits in O.S.Nos.32 and 90 of 2012, the Revision Petitioner/2nd defendant preferred this Civil Revision Petition.

2. Since the relief is claimed challenging the order passed by the trial judge, notice to the respondents is dispensed with.

3. Before the trial court, a memo was filed both plaintiffs and defendants praying for a joint trial along with the suit in O.S.No.90 of 2012 pending before the same court and both parties also same. But, the trial judge not accepted the joint memo filed by the parties and directed them to get on with the trial in the suit in O.S.No.32 of 2012 stating that at the time of DWs stage, the said memo was filed, which cannot be entertained. Aggrieved over the same, the Revision Petitioner/1st defendant preferred this Civil Revision Petition.



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4. According to the plaintiff, admittedly, in both the suits the property in Survey No.311/1B is the subject in issue and by conducting joint trial, the multiplicity of proceedings would be avoided, since because parties in both suits are also same. So, the trial judge ought to have conducted the joint trial in O.S.No.90 of 2012 along with the suit in O.S.No.30 of 2012, since because the other parties also have no objection. Therefore, the rejection made by the trial judge is erroneous one and the same is liable to be set aside. Accordingly, this Civil Revision Petition is allowed and the findings of the trial judge made in a joint memo is set aside. The learned District Munsif, Ambattur is directed to conduct the joint trial for the suits in O.S.Nos.32 and 90 of 2012. Both parties are directed to cooperate with the trial proceedings. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Index : Yes/No

Speaking Order : Yes/No

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To

The District Munsif, Ambattur.



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T.V.THAMILSELVI, J.

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