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C.R.P.No.105 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.105 of 2023

and

C.M.P.No.793 of 2023

1.Mani
2.Sekar
3.Kamachi
4.Mohan
5.Vijaya

... Petitioners

Vs.

1.Ravichandran
2.Vetrivel

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set-aside the order passed in memo in O.S.No.321 of 2011 dated 17.11.2022 by the Additional District Munisf, Tiruvannamalai.

For Petitioners

: Mr.P.Chandrasekar

ORDER



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The Civil Revision Petition has been filed to set-aside the order passed in memo in O.S.No.321 of 2011 dated 17.11.2022 by the Additional District Munisf, Tiruvannamalai.

2. The respondents herein are the plaintiffs, instituted a Suit in O.S.No.321 of 2011 and yet another suit in O.S.No.320 of 2011, wherein the revision petitioners herein are the defendants.

3. A transfer application was filed before the Principal District Court, Tiruvannamalai to transfer both the suits for the purpose of conducting joint trial. The transfer application was ordered and both the suits were posted for joint trial before the Additional District Munsif Court at Tiruvannamalai.

4. The respondents filed a memo, objecting the joint trial on certain grounds. The trial Court found that joint trial may not be possible, in view of certain issues raised in both the suits separately and accordingly, has taken a decision to conduct trial independently in respect of O.S.No.320 and 321 of 2011.



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5. Mere transferring of a case would not be a ground to compel the Court to try jointly. In the present case, joint trial was ordered by the District Court. However, without adjudicating the issues and without forming an opinion, whether joint trial is possible or otherwise, the higher Courts, on some occasions are granting the relief of joint trial based on the submission made by the parties and after framing issues in the suit, the trial Court if found that such joint trial may not be possible and cannot be conducted in the interest of justice, then the trial Court is empowered to form an independent opinion in this regard. If at all, any such decision is contrary to the principles, then the aggrieved person may approach the District Court concerned for redressal of his grievances.

6. However, in the present case, the Additional District Munsif, Tiruvannamalai had taken a decision to conduct trial separately, which would not cause any prejudice to the interest of the parties and therefore, this Court is not inclined to interfere with the order passed by the trial Court on 17.11.2022. However, it is for the revision petitioners to redress the grievances in the manner known to law.



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7. With these observations, the Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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19.01.2023

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Index : Yes
Speaking order
Neutral Citation : Yes

To

The Additional District Munsif,
Tiruvannamalai.



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S.M.SUBRAMANIAM, J.

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