



WEB COPY



C.R.P(PD)(MD).Nos.2140, 2141 and 2142 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 19.04.2023

Pronounced on : 14.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE P.VADAMALAI

C.R.P(PD)(MD).Nos.2140, 2141 and 2142 of 2018

and

C.M.P(MD)Nos.9497, 9498 and 9499 of 2018

C.R.P(PD)(MD)No.2140 of 2018

S.Rajendran

... Petitioner

Vs.

1.S.Govindarajan

2.S.Varadharajan

... Respondents

PRAYER in C.R.P(PD)(MD)No.2140 of 2018: Civil Revision Petition filed under Article 227 of the Constitution of India, to allow this Civil Revision Petition thereby setting aside the order passed by District Munsif cum Judicial Magistrate, Thirupathur dated 20.04.2018 passed in I.A.No.294 of 2017 in O.S.No.165 of 2006 and allow the petition in I.A.No.294 of 2017 in O.S.No.165 of 2006.

For Petitioner : Mr.S.Parthasarathy

For R1 : Mr.V.R.Shanmuganathan



C.R.P(PD)(MD).Nos.2140, 2141 and 2142 of 2018

C.R.P(PD)(MD)No.2141 of 2018

S.Rajendran

...Petitioner

Vs.

1.S.Govindarajan
2.G.Sundaram
3.G.Raja
4.S.Varadharajan

...Respondents

PRAYER in C.R.P(PD)(MD)No.2141 of 2018: Civil Revision Petition filed under Article 227 of the Constitution of India, to allow this Civil Revision Petition thereby setting aside the order passed by District Munsif cum Judicial Magistrate, Thirupathur dated 20.04.2018 passed in I.A.No.348 of 2017 in O.S.No.120 of 2015 and allow the petition in I.A.No.348 of 2017 in O.S.No.120 of 2015.

For Petitioner	: Mr.S.Parthasarathy
For R1	: Mr.V.R.Shanmuganathan
For R4	: Mr.A.Arumugam for M/s.Ajmal Associates

C.R.P(PD)(MD)No.2142 of 2018

S.Rajendran

... Petitioner

Vs.

S.Govindarajan

... Respondent



C.R.P(PD)(MD).Nos.2140, 2141 and 2142 of 2018

PRAYER in C.R.P(PD)(MD)No.2142 of 2018: Civil Revision Petition filed under Article 227 of the Constitution of India, to allow this Civil Revision Petition thereby setting aside the order passed by District Munsif cum Judicial Magistrate, Thirupathur dated 20.04.2018 passed in I.A.No.692 of 2016 in O.S.No.151 of 2008 and allow the petition in I.A.No.692 of 2016 in O.S.No.151 of 2008.

For Petitioner : Mr.S.Parthasarathy

For Respondent : Mr.V.R.Shanmuganathan

COMMON ORDER

The Civil Revision Petition in C.R.P(MD)No.2140 of 2018 is filed against the order dated 20.04.2018 passed in I.A.No.294 of 2017 in O.S.No.165 of 2006 on the file of the District Munsif-cum-Judicial Magistrate, Thirupathur.

2.The Civil Revision Petition in C.R.P(MD)No.2141 of 2018 is filed against the order dated 20.04.2018 passed in I.A.No.348 of 2017 in O.S.No.120 of 2015 on the file of the District Munsif-cum-Judicial Magistrate, Thirupathur.



C.R.P(PD)(MD).Nos.2140, 2141 and 2142 of 2018

3.The Civil Revision Petition in C.R.P(MD)No.2142 of 2018 is filed against the order dated 20.04.2018 passed in I.A.No.692 of 2016 in O.S.No.151 of 2008 on the file of the District Munsif-cum-Judicial Magistrate, Thirupathur.

4.Brief facts of the case:

The suits in O.S.Nos.165 of 2006, 151 of 2008 and 120 of 2015 are pending before the District Munsif-cum-Judicial Magistrate Court, Thirupathur. The revision petitioner is the plaintiff in O.S.Nos.151 of 2008 and 120 of 2015 and second defendant in O.S.No.165 of 2006. When the suits are pending for trial, the revision petitioner filed petitions in I.A.No.294 of 2017 in O.S.No.165 of 2006, I.A.No.348 of 2017 in O.S.No.120 of 2015 and I.A.No.692 of 2016 in O.S.No.151 of 2008 for joint trial of three suits. After hearing all the above petitions were dismissed on 20.04.2018 by the learned District Munsif-cum-Judicial Magistrate, Thirupathur. Aggrieved by the orders, these respective Civil Revision Petitions are filed.

5. During the course of arguments, both side counsel submitted that after the constitution of District Munsif-cum-Judicial Magistrate Court at Singampunari, the three suits in O.S.Nos.165 of 2006, 151 of



C.R.P(PD)(MD).Nos.2140, 2141 and 2142 of 2018

2008 and 120 of 2015 on the file of the District Munsif-cum-Judicial Magistrate, Thirupathur were transferred to the District Munsif-cum-Judicial Magistrate Court, Singampunari and renumbered as O.S.No.15 of 2020, O.S.No.39 of 2022 and O.S.No.172 of 2019. They further agreed that without going into the merits of the petitions, all the three suits may be ordered for joint trial and also time frame may be given to for disposal of the three suits.

6. Considering the submissions of both sides and also considering the pendency of the suit from the year 2006, without going into the merits of the case, the suits in O.S.Nos.165 of 2006, 151 of 2008 and 120 of 2015 on the file of the District Munsif-cum-Judicial Magistrate, Thirupathur now transferred and renumbered as O.S.No.15 of 2020, O.S.No.39 of 2022 and O.S.No.172 of 2019 pending on the file of the District Munsif-cum-Judicial Magistrate Court, Singampunari are ordered to be tried jointly. The learned District Munsif-cum-Judicial Magistrate, Singampunari, is directed to dispose of the three suits by way of joint trial within a period of five months from the date of receipt of a copy of this order.



C.R.P(PD)(MD).Nos.2140, 2141 and 2142 of 2018

7. These Civil Revision Petitions are ordered accordingly.

No costs. Consequently, connected Miscellaneous Petitions are closed.

14.07.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
vsd

To

- 1.The District Munsif-cum-Judicial Magistrate,
Thirupathur,
Sivagangai District.
- 2.The District Munsif-cum-Judicial Magistrate,
Singampunari,
Sivagangai District.
- 3.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P(PD)(MD).Nos.2140, 2141 and 2142 of 2018

P.VADAMALAI, J.

vsd

Pre - Delivery Order made in
C.R.P(PD)(MD).Nos.2140, 2141 and 2142 of 2018
and
C.M.P(MD)Nos.9497, 9498 and 9499 of 2018

14.07.2023