



CRP No.555 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

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Mr.R.Siva Kumar

... Petitioner

Vs.

1.Tarun Kumar Mehta
2.D.Sundarakrishnan
3.Kiran Kumar Jain

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order in IA No.3 of 2023 in OS No.838 of 2014 dated 16.11.2023 passed by the learned Additional District Munsif at Alandur, by allowing the civil revision petition.

For Petitioner : Mr.D.Jaganathan

For Respondents :Mr.L.Sweety
assisted by Mr.R.Ajith Kumar
for first respondent



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ORDER

The civil revision petition is filed to set aside the order in IA No.3 of 2023 in OS No.838 of 2014 dated 16.11.2023 passed by the learned Additional District Munsiff at Alandur, by allowing the civil revision petition.

2. The revision petitioner is the plaintiff and the respondents are defendants in OS No.838 of 2014 as well as 836 of 2014 on the file of the learned Additional District Munsif at Alandur. The first defendant filed an application in IA No.3 of 2023 in OS No.838 of 2014 for joint trial of OS No. 836 of 2014 along with OS No.838 of 2014. After hearing the parties, the learned Judge, by order dated 16.11.2023 had allowed the application, for joint trial, on the ground that the transaction between the parties is one and the same and the issues are interlinked in these cases, and also considering the fact that in both the cases, the parties and the transaction involved are interlinked and suit being in the nature for settling accounts



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and deciding the profit and loss between the parties. Challenging the said order, the petitioner has filed the present civil revision petition.

3. Learned counsel for the petitioner contended that in both suits, parties are different. Therefore, joint trial is impermissible and hence seeking to set aside the impugned order and allow the Revision.

4. Learned counsel for the first respondent objected and further contended that though the parties are different, transaction between the parties is one and the same and properties offered in both cases are one and the same. Therefore, there is no reason to interfere in the impugned order. There is no merit in the Revision. Hence, seeking to dismiss the Revision.

5. On a perusal of the complaints in OS No.838 of 2014 and OS No.836 of 2014, it is noticed that the parties in both the suits are the same persons. The plaintiff participated in the transaction with the partnership firm of the defendant. Further it is noticed that in paragraph 3 of the complaint in both suits,



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the same property stands as security for the transaction. Further, in both suits, the prayer is to settle the plaintiff's accounts. In both cases, the plaintiff sought the relief of settling the accounts between the plaintiff and the defendants. Further, the averment in the plaint in both suits shows the inter-linked transaction between the parties. Under these circumstances, the trial court, in order to avoid conflicting decision and for easy evaluation of the evidence, ordered for joint trial. I find no infirmity in the order passed by the trial court. There is no ground for interference in the impugned order. There is no merit in the Revision. Hence, the civil revision petition is dismissed. There shall be no order as to costs. Consequently, CMP No.2766 of 2024 is closed.

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Index: Yes/No
Internet: Yes/No
mrn



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To
The Additional District Munsif at Alandur,



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V.SIVAGNANAM, J.

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