



C.R.P.(PD)No.1598 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD)No.1598 of 2024

and

C.M.P.No.8558 of 2024

Ziaullah Tiruvallur Azeem

.. Petitioner

Vs.

J.Siranjeevi

.. Respondent

Prayer : The Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed in I.A.No.56 of 2023 in O.S.No.14 of 2016 dated 03.01.2024 on the file of the Additional District Munsif Court at Vellore.

For Petitioner : Mr.R.Jayaprakash

ORDER

The present Civil Revision Petition arises against an order passed under Section 10 of the Code of Civil Procedure.

2. The defendant is the petitioner. He wants O.S.No.14 of 2016 to be



C.R.P.(PD)No.1598 of 2024

kept in abeyance till the disposal of the suit in O.S.No.12 of 2016.

WEB COPY

3. The suit property, which is the subject matter of the suit in O.S.No.14 of 2016, is a residential building situated at Plot No.2, comprised in S.F.No.53/1-7, & 54/1, 2 and 6 in D.No.334-A of Sathumadurai Village, Kaniyambadi Union at Vellore Taluk.

4. O.S.No.12 of 2016, which is another suit filed against the defendant by the plaintiff, relates to a vacant land measuring 1500 Sq.ft. adjacent to the house building.

5. The cause of action for the present suit and the cause of action for the suit in O.S.No.12 of 2016 are entirely different. They are based on two different lease agreements. For the mere fact that the parties are the same, Section 10 of the Code of Civil Procedure cannot become applicable. For the said provision to become applicable, the subject matter of the proceedings must deal with the same issue.



C.R.P.(PD)No.1598 of 2024

6. As seen from above, the properties are different, the lease agreements are different, the only commonality is the identity of the parties.

The learned Trial Judge had dismissed the application by correctly appreciating the position of law. Section 10 of the Code of Civil Procedure is a discretionary order and the discretionary orders are not liable to be interfered with under Article 227 of the Constitution of India, unless and until, the same are capricious or arbitrary.

7. The present order is a well reasoned one and does not require any interference. Accordingly, the Civil Revision Petition stands dismissed. No costs. The connected Civil Miscellaneous Petition is closed.

18.04.2024

mkn2

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



WEB COPY



C.R.P.(PD)No.1598 of 2024

V. LAKSHMINARAYANAN, J.

mkn2

To

The Additional District Munsif Court,
Vellore

C.R.P.(PD)No.1598 of 2024

and

C.M.P.No.8558 of 2024

18.04.2024