



CRP.No.1346 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.1346 of 2021

and

CMP.No.10423 of 2021

M.Gopal

...Petitioner

Vs.

1.S.Baskaran

2.A.Mani

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decretal order dated 05.01.2021 made in IA.No.667 of 2019 in OS.No.18 of 2016 on the file of the District Munsif Court, Tambaram, by allowing the Civil Revision Petition.

For Petitioner : Mr.R.Dhanasekar

For Respondents : Mr.T.Thiyagarajan for R2
R1 - unclaimed



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ORDER

This Civil Revision Petition is filed challenging the order passed by the Court below dismissing the application filed by the petitioner seeking joint trial of OS.No.18 of 2016 and OS.No.157 of 2016 pending on the file of the District Munsif Court, Tambaram.

2. The petitioner herein filed a suit in OS.No.18 of 2016 seeking permanent injunction restraining the respondents from interfering with his peaceful possession and enjoyment of the suit property.

3. The respondents herein filed a suit for declaration of his right of possession in respect of suit 'B' Schedule property which is access to the suit 'A' Schedule property and also injunction restraining the petitioner from interfering with his enjoyment of suit 'B' Schedule property.

4. The suit property in OS.No.18 of 2016 and 'A' Schedule property in OS.No.157 of 2016 is one and the same. When the parties to the



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suit are one and the same and the properties are also one and the same, the interest of justice requires joint trial of both the suits. If both the suits are tried together by same Court by way of joint trial it would minimize the oral and documentary evidence in both the suits.

5. The Court below erroneously dismissed the application on the ground that there is a question of limitation in OS.No.157 of 2016. Even if there is a separate issue with regard to the limitation in OS.No.157 of 2016 there cannot be impediment for the suits being heard together. Hence, the impugned order is set aside and accordingly, the Civil Revision Petition is allowed. Having regard to the fact that both the suits of the year 2016, the Court below is directed to dispose of the same as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes / No
dna



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S.SOUNTHAR, J.

dna

To

The District Munsif Court, Tambaram.

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