



C.R.P(MD)Nos.2228 & 2127 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)Nos.2228 & 2127 of 2024

and

C.M.P(MD)Nos.12604 & 12121 of 2024

C.R.P(MD)No.2228 of 2024:

1.Suganya

2.Sowmiya

... Petitioners /
3rd parties

Vs.

1.P.Muthusamy

2.P.Sellammal

3.P.Logambal

4.M.Sureshkumar

5.M.Vijayakumar

6.P.Meenakshi

7.S.Indhumathi

... Respondents 1 to 7 /
Petitioners /
Defendants 1 to 7



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8.P.Kandasamy

9.K.Banumathi

10.M.Thangavel

11.T.Geetha

... Respondents 8 to 11 /
Respondents 1 to 4/
Plaintiffs

12.R.Arumugam

13.A.Eswari

... Respondents 12 & 13/
Respondents 5 & 6 /
Defendants 8 & 9

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 07.08.2024 passed in I.A.No.3 of 2024 in O.S.No.31 of 2017 on the file of learned Additional District Judge, Karur.

For Petitioners : Mr.M.P.Senthil

For Respondents : Mr.VR.Shanmuaganathan
for Mr.P.Athimoolapandian for R.1

Mr.G.Prabhu Rajadurai
for R.2 to R.7

No Appearance for R.8 to R.13



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2.K.Banumathi

3.M.Thangavel

4.T.Geetha

... Petitioners /
Respondents 1 to 4 /
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Vs.

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For Petitioner : Mr.S.Parthasarthy
for Mr.M.R.Sreenivasan

For Respondents : Mr.VR.Shanmuaganathan
for Mr.P.Athimoolapandian for R.1

Mr.G.Prabhu Rajadurai
for R.2 to R.7

No Appearance for R.8 & R.9

COMMON ORDER

Heard both sides.

2.By the impugned order, the Court below has ordered joint trial of O.S.No.31 of 2017 and O.S.No.32 of 2017. The learned counsel have produced copies of the issues framed in both the suits. There is no commonality of the issues framed in the suits. My attention is drawn to the decision of the Hon'ble Supreme Court in *(2007) 1 SCC 97 (State*



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Bank of India Vs Ranjan Chemicals Limited & Another). It was held therein that it is not necessary that all the questions or issues that arise should be common to both the actions. If some of the issues are common and some of the evidence to be let in is also common, that would be sufficient to order joint trial, especially when two suits arise out of the same transaction / series of transactions.

3.Since there is no commonality in issues, the question of joint trial will not arise at all. In this view of the matter, the impugned order is set aside. However it is directed that the two suits shall be simultaneously tried. It is also necessary to note that the plaintiffs in O.S.No.32 of 2017 were not even heard before the order for joint trial was passed.

4.These Civil Revision Petitions are allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

21.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

MGA

To

The Additional District Judge,
Karur.

C.R.P(MD)Nos.2228 & 2127 of 2024
and
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