



C.R.P.(MD)No.2334 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 27.09.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2334 of 2024
and
C.M.P.(MD)No.13236 of 2024

N.Nagalingadurai

... Revision Petitioner /
2nd Respondent / 2nd Defendant

Vs.

1.Manonmani

... 1st Respondent / Petitioner /
Plaintiff

2.Kamatchiammal

3.Kannappan

4.Thiruneelakandan

5.Abirami

6.Annapoorani

7.K.Mohamed Jinna

8.M.Ramar

... Respondents 2 to 8 /
Respondents 1, 3 to 8 / Defendants 1,3to8



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Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records relating to the decree and Judgment dated 13.02.2024 in I.A.No.4 of 2023 in O.S.No.130 of 2022 passed by the learned Subordinate Court, Mudukulathur and set aside the same by allowing Civil Revision Petition,

For Petitioner : Mrr.K.C.Ramalingam

ORDER

Heard the learned counsel for the revision petitioner.

2. The revision petitioner is figuring as second defendant in O.S.No.130 of 2022 on the file of the Sub Court, Mudukulathur. The plaintiff in the said suit (R1 herein) filed I.A.No.4 of 2023 for joint trial of O.S.No.130 of 2022 along with O.S.No.20 of 2021. The revision petitioner herein is the plaintiff in O.S.No.20 of 2021 on the file of the very same Court for the relief of declaration that certain suit documents are null and void and permanent injunction. O.S.No.130 of 202 has been filed by the first respondent herein for the relief of partition and for declaration that certain documents are null and void. The court below has given the following reason in its order dated 13.02.2024.

“8.Upon the perusal of Exhibit R1, which is the copy of plaint in O.S.No.20 of 2021, it is comes to know that, this 2nd respondent Mr.Nagalinga Durai has instituted the suit for declaration in regarding 3



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properties and consequential permanent injunction and declaration in regarding documents No.117/2013 dated 05.02.2013, 32/2016 dated 13.01.2016, 213/2020, dated 11.03.2020 as null and void and so the very same reliefs as in O.S.No.130/2022 is found in O.S.No.20 of 2021. Further, in the Suit No.20/2021, Mr.Nagalinga Durai as a plaintiff and Mr.Kannappan, Mrs.Kamatchi Ammal, Mr.Thiruneela Kandan, Mrs.Santhana Lakshmi are the parties of such suit. The said Santhana Lakshmi is the Sub Registrar. Further in the said suit O.S.NO.20/2021, this petitioner was impleaded on 08.06.2023 as 5th defendant. So both the cases are almost containing similar reliefs and between the similar parties and the cause of action also almost similar and in such circumstances, if joint trial is ordered the evidence of both side will be reduced and shaped and this Court can adjudicate both the matters effectively and completely and so this Court is inclined to allow this petition.”

3. I am more than satisfied that the aforesaid reason is sound and good enough for ordering joint trial of both the suits. The parties are one and the same; the suit properties is one and the same. The reliefs are broadly identical.

4. In these circumstances, the court below rightly allowed the joint trial. Interference with the impugned order is not warranted. The civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

27.09.2024

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



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To

The Subordinate Court, Mudukulathur.



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