



WEB COPY

CRP.No.3955 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

C.R.P.No.3955 of 2025
and C.M.P.Nos.20695 and 20696 of 2025

R.Vinoth Kumar

... Petitioner

Vs.

E.Mohammed Javith

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 02.07.2025 made in Tr.O.P.No.177 of 2024 on the file of the District Court, Chengalpattu.

For Petitioner : Mr.R.Chandra Sudan

For Respondents : Mr.M.Himavanth



ORDER

The defendant in O.S.Nos.213 of 2022 has filed the present revision challenging the dismissal of Tr.O.P.No.177 of 2024 on the file of the learned District Judge, Chengalpattu.

2. The learned counsel appearing for the petitioner states that the same plaintiff/respondent in the revision has filed two suits one against the revision petitioner who is the father in O.S.No.213 of 2022 and another against the son of the revision petitioner in O.S.No.458 of 2022. The learned counsel appearing for the petitioner would state that in both the suits, the plaintiff is one and the same and the defence taken by the defendant, namely, the revision petitioner and his son is also one and the same and therefore, in order to avoid conflicting orders and multiplicity of proceedings, the learned counsel appearing for the petitioner states that the learned District Judge ought to have ordered transfer and atleast directed simultaneous trial.

3. Per contra, the learned counsel appearing for the respondent would state that when the trial Court was about to direct the revision petitioner to



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deposit the entire arrears of rent, the O.P was moved seeking transfer of the suits. He would further state that the agreements under which the two suits are founded is different and not the same and merely because the defence taken by the revision petitioner is on the same line, it does not warrant even simultaneous or joint trial. Therefore, he seeks for dismissal of this revision petition.

4. I have carefully considered the submissions advanced by the learned counsel on either side. I have also gone through the order passed by the learned Principal District Judge dismissing the application for transfer.

5. As rightly contended by the learned counsel appearing for the respondent, though the prayer sought for in the suits is primarily for delivery of vacant possession, the arrears claimed for from the revision petitioner and his son is not the same and the cause of action for the suits arise under the two distinct agreements of lease. Merely because the defence taken by the father and the son is one and the same, it does not warrant joint trial for the two suits. I do not find any perversity or infirmity in the order passed by the learned District Judge dismissing the transfer O.P and there is no merit in the Civil Revision Petition.



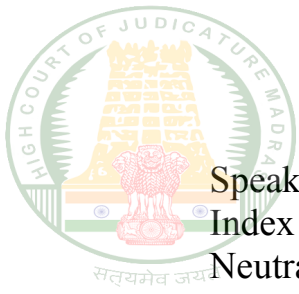
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6. The learned counsel appearing for the respondent would state that I.A.No.1 of 2024 has been pending for close to two years. Suitable directions may be issued for disposal of the said application.

7. In the light of the fact that since the said Transfer O.P. was pending, there has been no movement in the suits and in the application, I direct the learned District Judge, Chengalpattu, to dispose of I.A.No.1 of 2024 within a period of four weeks from the date of receipt of a copy of this order and the trial in the suit shall also be expedited and the suit shall be disposed within a period of seven months thereafter. The revision petitioner and his son are entitled to take all the contentions and the defence in the suits as well as in the application.

8. Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs. Connected miscellaneous petitions are closed.

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Speaking Order/Non-speaking Order

Index : Yes / No

Neutral Citation : Yes/No

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To

The District Court, Chengalpattu.



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P.B. BALAJI,J.

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