



WEB COPY



A. No.5518 of 2025

in

C.S. DR No.137375 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

A NO. 5518 of 2025

in C.S. DR No.137375 of 2025

Mathialagan S/o Muniandy

Applicant / Plaintiff

Vs

1. Kanimozhi.V W/o. Veerakumar

2. Veerakumar K S/o. Kalitheavar

Respondent(s)

For Applicant(s)

: Ms. J. Madhumitha

PRAYER: Application filed under Order XIV, Rule 8 of Original Side Rules read with Order II Rule 3 of Civil Procedure Code praying to grant leave for joinder of cause of action in the present Suit.

ORDER

This application has been filed by the applicant to grant leave for joinder of cause of action in the present Suit.

2. According to the applicant, he is the Plaintiff in the main Suit and he filed the Suit for recovery of money as against the defendants. The defendants are husband and wife and they received money under unregistered Mortgage Deeds dated 17.05.2023 and 04.10.2023 executed by both the

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defendants and also they executed Promissory Note dated 25.09.2024.

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Though the transactions were evidenced by two distinct instruments, they were part of one composite financial arrangement, forming a single continuous transaction and common understanding between the Plaintiff and both defendants. Both defendants had jointly approached the Plaintiff for financial assistance represented their common indebtedness and sought a combined loan of Rs.1,20,00,000/- to redeem their joint mortgage with REPCO Bank. Pursuant to such joint representation, the Plaintiff advanced the amounts to the defendants on their joint assurance and both defendants acted in concert, jointly promising repayment of said loan of Rs.1,20,00,000/- Therefore, cause of action arose out of same transaction and from very same series of acts and transactions. Therefore, he filed this application.

3. This Court heard applicant's side and perused the materials available on record.

4. As per the Plaint averments, both the parties jointly approached the Plaintiff for financial assistance and on common understanding, sought for



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joint loan of Rs.1,20,00,000/- and they also executed deeds separately and

also executed Promissory note. Therefore, considering the above said reasons and facts and circumstances of the case and cause of action arose out of the same transaction so connected together as to form the same series of acts and transactions and involves common questions of fact and law, it is appropriate to allow this application.

5. Accordingly, this application is **allowed**. **The Registry is directed to number the Suit, if it is, otherwise in order.**

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