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CRP.No.5688 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.5688 of 2025 and
CMP.No.28397 of 2025

1.Chellathal
2.Velusamy

... Petitioners

Vs.

Chellathal

...Respondent

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India, praying to set aside the fair and decretal order dated 18.09.2025 made in IA.No.4/2024 in OS.NO.269/2023 on the file of learned District Munsif, Dharapuram.

For Petitioners

: Mr.N.Ponraj



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CRP.No.5688 of 2023



ORDER

The Civil Revision Petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioners/defendants seeking stay of the suit filed by the respondent in OS.No.269 of 2023 pending disposal of the suit filed by the petitioners in OS.No.241 of 2023.

2. The petitioners herein filed a suit in OS.No.241 of 2023 on the file of District Munsif Court, Dharapuram against the respondent herein seeking bare injunction and also for fixation of four boundaries of the suit property. After receipt of summons in the said suit, the respondent herein filed a counter-blast suit in OS.No.269 of 2023 seeking declaration of title and injunction. The petitioners filed instant application seeking stay of subsequent suit filed by the respondent under Section 10 of CPC on the ground that issues involved in both the suits are one and the same.

3. A perusal of the suit prayer in both the suits would indicate that the respondent seeks a comprehensive relief for declaration and injunction. Therefore, the question of title of respondent directly and substantially in issue in the suit filed by him. However, the petitioners only seek decree for bare



CRP.No.5688 of 20...

injunction with prayer for demarcation of boundaries.

WEB COPY

4. Question of title is not directly and substantially in issue in the suit filed by the petitioners. If at all in an injunction suit, the court can go into the question of title only incidentally. In such circumstances, the issues that are directly and substantially in issue in both the suit are not one and the same. In such circumstances, the trial court is justified in passing order dismissing the application filed by the petitioners seeking stay of the suit as the ingredients of Section 10 of CPC are not satisfied. I do not find any error in the impugned order passed by the Trial Court.

5. It is always open to the petitioners to make a formal request before the trial court seeking joint trial in both the suits if so, advised.

6. Accordingly, the civil revision petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

17.11.2025

Index : Yes / No

Internet : Yes / No

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3/5



The District Munsif, Dharapuram.

WEB COPY



CRP.No.5688 of 2025

S.SOUNTHAR , J.

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WEB COPY



CRP.No.5688 of 2025

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