



C.R.P. (MD) No. 762 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2025

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THE HON'BLE MR. JUSTICE K.KUMARESH BABU

C.R.P. (MD) No. 762 of 2024

Abdul Wahab

... Petitioner

-VS-

Syed Mirza

... Respondent

PRAYER:- Petition filed under Article 227 of the Constitution of India, to call for the records pertaining to set aside the order dated 08.12.2023 in I.A. No. 03 of 2023 in O.S. No. 1160 of 2015 pending on the file of the Additional Sub Court IV, Trichy.

For Petitioner : Mr. S.Ramanathan

For Respondent : Mr. A.Mohamed Riyaz

O R D E R

This Civil Revision Petition invoking Article 227 of the Constitution of India, 1950, arises out of the order dated 08.12.2023 in I.A. No. 03 of 2023 in O.S. No. 1160 of 2015 pending on the file of the Additional Sub Court IV, Trichy. (hereinafter referred to as the 'Trial Court' for short).



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2. Heard Mr. S.Ramanathan, Learned Counsel for the petitioner and Mr. A.Mohamed Riyaz, Learned Counsel for the respondent and perused the materials placed on record, apart from the pleadings of the parties.

3. Learned Counsel appearing for the petitioner submits that he is not pressing the application and therefore, he seeks to withdraw the Civil Revision Petition with a clarification that the observation made in the order by the Trial Court shall not be influenced and the matter has to be decided on its own merits and the evidence may be recorded in common. He has also made an endorsement to that effect in the Court record.

4. It is informed that two suits in O.S. Nos. 1331 of 2014 and 1160 of 2015 are pending before the IV Additional Sub Court, Trichy and the property involved in this case is one and the same.

5. Both the suits relate to the same property and between the same parties and hence, grant of relief in one case necessarily is denial of the other. As such, joint trial is essential in the matter.



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6. It is clarified that on joint trial, it is open to both the parties that evidences sofar recorded shall be treated as common evidences and it is also open to the parties to let any further evidence as required by law. The IV Additional Subordinate Court, Trichy, shall record common evidence and conduct joint trial as per the impugned order herein on merits and in accordance with law. It shall be ensured by the Trial Court that there is atleast two effective hearing in every month showing progress of the case and quarterly reports in that regard shall be sent to the Registrar (Judicial) of the Court till final orders are passed in the case.

In the result, the Civil Revision Petition is dismissed as withdrawn. No costs.

14.11.2025

Index : Yes/No
NCC : Yes/No
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To

- 1.The IV Additional Subordinate Court, Tiruchirappalli.
- 2.The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



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