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CRP No. 865 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2026

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

CRP No. 865 of 2024

C.M.P.Nos.4285 and 4287 of 2024

1. Palanisami

2.P.Srinivasan

Petitioner(s)

Vs

1. Rajam

2.Chandrasekaran

3.Ganesan

4.Rajendran

Respondent(s)

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 17.10.2023 passed in IA.No.214 of 2023 in O.S.No.475 of 2022 on the file of the learned I Additional District and Sessions Judge, Cuddalore.

For Petitioner(s): Mr.Gururaj for
 Mr.D.Baskar



For Respondent(s): Mr.R.Suryaprakash

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ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court dismissing the application filed by the petitioners seeking joint trial of O.S.No.475 of 2022 and O.S.No.353 of 2019.

2.The first respondent herein filed O.S.No.353 of 2019 on the file of the learned District Judge, Cuddalore, for partition. The petitioners herein filed O.S.No.137 of 2019 on the file of the District Munsif Court, Cuddalore, seeking bare injunction in respect of the same property. Later, the petitioners filed Tr.O.P.No.62 of 2021 seeking transfer of O.S.No.137 of 2019 to the file of District Court, Cuddalore. The said O.P. was allowed and O.S.No.137 of 2018 was transferred to District Court, Cuddalore and renumbered as O.S.No.475 of 2022. At the time of allowing the transfer petition, the learned Principal District Judge also ordered both the suits shall be tried simultaneously. The said order has attained finality. The same has not been challenged by the petitioners. Thereafter, the petitioners filed instant application before I Additional District and Sessions Court, Cuddalore on 04.07.2023, seeking joint trial of the suits. The said application was dismissed by the trial Court. Aggrieved by the same,



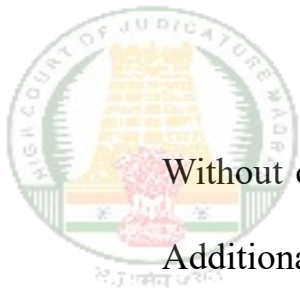
the petitioners had come before this Court.

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3. The learned counsel for the petitioners submit that the order passed by the learned Principal District Judge, Cuddalore, directing simultaneous trial of both the suits was without jurisdiction. Therefore, the petitioners are entitled to maintain instant application before the Court on whose file both the suits are pending. He further submitted that in both the suits P.W.1 filed their proof affidavit. In such circumstances, there may not be any impediment for ordering joint trial.

4. It is seen from impugned order in both the suits, P.W.1 was already examined and documents were already examined in chief and documents were also marked. P.W.1 in both the suits are different persons and therefore, at this stage it may not be possible to order joint trial of both the suits unless evidence already recorded is eschewed. In fact, in the impugned order the trial Court pointed out the same and passed orders for simultaneous trial.

5. Further the petitioners sought for transfer of their suit from the file of District Munsif Court, to District Court for joint trial. While allowing the transfer petition, the learned Principal District Judge passed order for simultaneous trial of both the suits. If the petitioners are aggrieved by the said order, they should have challenged the same in the manner known to law.



Without challenging the same, they are not entitled to file application before I Additional District Judge on whose file both the suits are pending seeking joint trial of both the suits. In any event, taking into consideration, the trial in both suits are already commenced and P.W.1 in both suits were examined and documents were also marked, this Court is not inclined to accept the request made by the petitioners for joint trial of the suit. Therefore, the Court below is directed to have simultaneous trial of both the suits and dispose of the same in accordance with law.

6. With this clarification, this Civil Revision Petition stands dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

02-01-2026

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To
I Additional District and Sessions Judge,
Cuddalore.



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S.SOUNTHAR J.

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