



C.R.P. (MD) No. 439 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2026

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

C.R.P. (MD) No. 439 of 2024

and

C.M.P.(MD) No. 5598 of 2024

H.Abdul Hakeem

... Petitioner

-VS-

1.C.Muruganantham

2.J.Noorpaigirabegum

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal Order dated 18.08.2023 passed in O.S.No.123 of 2020 on the file of the II Additional District Judge, Thanjavur.

For Petitioner : Mr. S.Pon Senthil Kumaran

For R-1 : Mr. A.Siva Subramanian

For R-2 : No appearance

ORDER

This Civil Revision Petition invoking under Article 227 of the Constitution of India has been preferred against the Order dated 18.08.2023



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made in O.S.No.123 of 2020 on the file of the II Additional District Judge,
Thanjavur.

2. The parties are hereinafter referred to as by the description in the suit in O.S. No. 123 of 2020 before the Trial Court for the sake of clarity and convenience.

3. Heard Mr. S.Pon Senthil Kumaran, Learned Counsel for the First Defendant and Mr. A.Siva Subramanian, Learned Counsel for the Plaintiff and perused the materials placed on record apart from the pleadings of the parties.

4. The First Defendant in O.S. No. 123 of 2020 is the Defendant in O.S. No. 330 of 2019, which is renumbered as O.S. No.73 of 2023. The Plaintiff in both the suits, viz., C.Muruganantham had filed suits in O.S.No.123 of 2020 and O.S.No.73 of 2023 before the learned Principal Subordinate Court, Thanjavur. The suit in O.S. No. 123 of 2020 has been filed for claiming the relief of specific performance and the suit in O.S. No. 73 of 2023 has been filed for recovery of money. In the order passed in TR. O.P. No. 172 of 2022, the Principal District Judge, Thanjavur had directed the learned II Additional District Judge, Thanjavur, to decide as to whether the suit in O.S. No.330 of



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2019 has to be tried along with the suit in O.S. No.123 of 2020 pending on the file of that Court as simultaneously or jointly as per law.

5. It is in the background that the application had been filed for joint trial, but the II Additional District Court, Thanjavur, had called the matter for simultaneous trial on 18.08.2023.

6. On going through the material placed on record with reference to the complaints and parties, it is seen that it becomes burden which relates to the same party and in these circumstances, it shall be incumbent upon the Trial Court to deal with the issues raised in each of the suits specifically and rendered judgment in the matter.

7. The learned counsel relies on the Judgment of the Hon'ble Apex Court in the case of **State Bank of India Vs. Ranjan Chemicals Limited and Another** [2007 1 SCC 97] which reads as follows:

“11. A joint trial is ordered when a Court finds that the ordering of such a trial, would avoid separate overlapping evidence being taken in the two causes put in suit and it will be more convenient to try them together in the interests of the parties and in the interests of an effective trial



of the causes. This power inheres in the Court as an inherent power. It is not possible to accept the argument that every time the Court transfers a suit to another court or orders a joint trial, it has to have the consent of the parties. A Court has the power in an appropriate case to transfer a suit for being tried with another if the circumstances warranted and justified it. In the light of our conclusion that the claim of the company in the suit could be considered to be a claim for set off and a counter claim within the meaning of Section 19 of the Act, the only question is whether in the interests of justice, convenience of parties and avoidance of multiplicity of proceedings, the suit should be transferred to the Debt Recovery Tribunal for being tried jointly with the application filed by the bank as a cross suit. Obviously, the proceedings before the Debt Recovery Tribunal could not be transferred to the civil Court since that is a proceeding before a Tribunal specially constituted by the Act and the same has to be tried only in the manner provided by that Act and by the Tribunal created by that Act. Therefore, the only other alternative would be to transfer the suit to the Tribunal in case that is found warranted or justified.



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12. It is clear that in both proceedings what are involved are, the nature of the loan transaction and the cash credit facility extended, the relationship that has spring out of the transactions, the right and obligations arising out of them, their breach if any, who is responsible for the breach and its extent. The same basic evidence will have to be taken in both the proceedings. The accounts of the bank will have to be scrutinized not only to ascertain the sum, if any, due to the bank but also to ascertain as to when and in what manner the cash credit facility was permitted to be availed of by the company. Of course, evidence will have to be taken on whether there was any violation of conditions or laches on the part of the bank in fulfilling its obligations causing damage to the company. At least a part of the evidence will be common. Duplication of evidence could be avoided if the two actions are tried together. If a decree is granted to the bank on the basis of its accounts, and the damages, if any, is decreed in favour of the company, a set off could be directed and an ultimate order or decree passed in favour of the bank or the company. In such a situation, we are of the view that this is a fit case where the two actions should be ordered to be tried together.”



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8. Having regard to the principles laid down as extracted supra, the Trial Court shall conduct the manner as indicated above. It shall be ensured by the Trial Court that there is atleast one effective hearing in every month showing the 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.

The Civil Revision Petition is disposed of in the aforesaid terms. Consequently, connected Miscellaneous Petition is closed. No costs.

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Index : Yes/No

Internet : Yes/No

Note: If the quarterly report is not received from the Trial Court or it is reported either of the parties are not cooperating to comply with the aforesaid order, the matter shall be listed before the Court.

To

1.The II Additional District Judge, Thanjavur.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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N.SENTHILKUMAR, J.

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