



C.R.P. (MD) No. 1020 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2026

C O R A M

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P. (MD) No. 1020 of 2023
and
C.M.P. (MD) No. 4776 of 2023

T.Murugesan

... Petitioner

Vs.

R.Krishnaveni

...Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India to set aside the fair and decree order dated 04.01.2023 passed in C.M.A. No. 16 of 2018 on the file of the learned Subordinate Judge, Tiruchendur reversing the fair and decreetal order dated 08.11.2018 passed in I.A. No. 511 of 2018 in O.S. No. 131 of 2018 on the file of the learned District Munsif Court, Tiruchendur.

For Petitioner : Mr.A.Mohamed Haneef

For Respondent : Mr. B.Jeyakumar

ORDER

This Civil Revision Petition invoking Article 227 of the Constitution of India, 1950, has been filed challenging the order dated 04.01.2023 passed in C.M.A. No. 16 of 2018 on the file of the learned Subordinate Judge, Tiruchendur reversing the fair and decreetal order dated 08.11.2018 passed in



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I.A. No. 511 of 2018 in O.S. No. 131 of 2018 on the file of the learned District Munsif Court, Tiruchendur (hereinafter referred to as the 'Trial Court' for short).

The parties are hereinafter referred to as per their description in the suit in O.S. No. 131 of 2018 before the Trial Court for the sake of clarity and convenience.

2. Heard Mr. A.Mohamed Haneef, Learned Counsel for the Plaintiff, Mr. B.Jeyakumar, Learned Counsel for the Defendant and perused the materials placed on record, apart from the pleadings of the parties.

3. The Plaintiff had filed a suit in O.S. No. 131 of 2018 for permanent injunction, in which, the application for interim injunction was originally granted, but has been reversed as appeal. The Defendant had filed another suit in O.S. No. 192 of 2017 for recovery of property and for permanent injunction restraining the Plaintiff and five others before the same court and it is pending. Both the cases 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.

4. It is clarified that on joint trial the evidences sofar recorded shall be treated as common evidences and it is also open to the parties to let any further



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evidence as required by law and depending upon the outcome, the matter shall be decided in accordance with law. The Sub-Judge, Tiruchendur, 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. If any fresh application is filed for temporary injunction, the Sub-Judge, Tiruchendur shall not be inhibited or influenced by the impugned order and shall also decide the matter afresh on merits and in accordance with law.

In the result, the Civil Revision Petition is disposed on the aforesaid terms. It is made clear that this Court does not express any view on the correctness of the impugned order or the order passed by the Trial Court. Consequently, the connected miscellaneous petition is closed. No costs.

20.01.2026

Index : Yes/No
NCC : Yes/No
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Note

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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 Sub-Court, Tiruchendur.
2. The District Munsif Court, Tiruchendur.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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N.SENTHILKUMAR, J.

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