



C.R.P. (MD) No. 26 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. 26 of 2023

and

C.M.P. (MD) No. 169 of 2023

T.Balakrishnan

... Petitioner

Vs.

1.T.Balasekar

2.T.Susibalan

... Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India to call for the records pertaining to the fair and decreetal order dated 10.08.2022 passed in TROP No.130 of 2021 dated 10.08.2022 on the file of the Principal District Judge at Trichirappalli.

For Petitioner : Mr. N.Ilamurugu

For Respondents : Mr. D.Boopal



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ORDER

This Civil Revision Petition challenges the order dated 10.08.2022 passed in TROP No.130 of 2021 dated 10.08.2022 on the file of the Principal District Judge at Trichirappalli, ordering joint trial of the suits in O.S. No. 97 of 2019 on the file of the District Court cum Judicial Magistrate, Srirangam along with O.S. No. 231 of 2019 on the file of the I Additional District Court (PCR), Tiruchirappalli.

2.Heard Mr. N.Ilamurugu, Learned Counsel for the Petitioner and Mr. D.Boopal, Learned Counsel for the Respondent and perused the materials placed on record apart from the pleadings of the parties.

3.The suit in O.S. No. 97 of 2019 has been filed by one T. Balakrishnan, who is the Petitioner herein, against one T. Balasekar and T. Susibalan seeking permanent injunction restraining the Defendants from disturbing the possession of the Plaintiff in respect of the suit property in S.No.24/4, Natchikurichi Village, Srirangam, Trichy. Subsequently, T. Balasekar and T. Susibalan filed a suit in O.S. No. 231 of 2019 before the I Additional District Judge, Tiruchirappalli against T. Balakrishnan seeking recovery of a sum of Rs.20,12,380/- together with interest and charge over the suit property.



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4. On a reading of the very prayer of the second suit in O.S. No. 231 of 2019, it is evident that the documents relied upon the parties would have to be common either as to prove the claim or the defence. Hence, this Court is of the considered view that when the parties are common and when the property is common, evidence have also to be common and therefore, order of joint trial is essential.

5. Learned Counsel appearing for the Petitioner submits that in the event of transfer, he may be permitted to leave evidence, since recording of evidence has already been commenced in O.S. No. 231 of 2019.

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 lead any further evidence as required by law. The I Additional District Court (PCR), Tiruchirappalli shall record common evidence and conduct joint trial as per the impugned order herein on merits and in accordance with law.



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7. In view of the above, the Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

20.01.2026

Index : Yes/No

NCC : Yes/No

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To

1. The Principal District Judge at Trichirappalli.

2. The I Additional District Court (PCR), Tiruchirappalli.

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



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N.SENTHILKUMAR, J.

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