

IN THE COURT OF THE PRINCIPAL MUNSIFF, CHERTHALA

Present: Sri. Rovin Rodrigues, Principal Munsiff

Monday, the 03rd day of November 2025/ 12th Karthikam, 1947.

IA 03/2024 in O. S. No. 51/2022

(Filed on 23.10.2024)

Petitioner/Plaintiff:-

1. Chandramathi, aged 73, W/o.Narayanan,
Manjaditharail, Vayalar Muri,
Vayalar East Village, Cherthala.
2. Suma, aged 56, D/o. Chandramathi,
Naduvathu Nagar P.O., Vaduthala Muri,
Arookutty Village, from – do -
3. Sukhalal, aged 53, S/o. Narayanan,
Manjaditharail, Vayalar Muri,
Vayalar East Village, Cherthala.

By Adv.Thomas Joseph.

Cr.Petitioners:-

1. Rani, aged 53, W/o.Alexander, Chirail,
from Chemmasseril, Vayalar P.O.,
Vayalar Muri, Vayalar East Village, Cherthala.
2. Alexander, aged 54, S/o.Varghese, Chirail, - do -

By Adv. D.Harishchand.

This petition having been heard on 03.11.2025 and the Court on the same day passed the following:-

ORDER

This is a petition filed by the plaintiffs under Sections 94 and 151 of the Code of Civil Procedure seeking a joint trial of O.S. No. 51 of 2022 and O.S. No. 81 of 2019.

2. **The brief facts in the petition are:** The petitioners are the plaintiffs in O.S. No. 51 of 2022, which has been instituted seeking declaration of an easement right of way and a permanent prohibitory injunction. The defendants in the suit have already instituted O.S. No. 81 of 2019 against the predecessor of the petitioners, the late Raman Narayanan, seeking a permanent prohibitory injunction and other consequential reliefs. Upon the demise of the said Raman Narayanan, the present petitioners were impleaded as additional defendants 2 to 4 in that suit. The parties in both suits are substantially the same. The properties in dispute are identical, and the issues to be adjudicated and the evidence to be produced are common to both suits. Separate trials would cause hardship to both parties and lead to conflicting judgements. Hence, the petitioners seek a joint trial of O.S. No. 51 of 2022 and O.S. No. 81 of 2019.

3. The respondents/defendants filed an objection with the following contentions: The petition is not maintainable. There are no sufficient grounds to justify a joint trial. The cases can be decided independently. This petition has been filed only to delay the proceedings.

4. Heard both sides. Perused the records

5. OS 81/2019 is filed by the respondents against the predecessor of the petitioners seeking a permanent prohibitory injunction from widening the pathway. Whereas, OS 51/2022 is filled by the petitioners seeking an easement right of way by prescription and consequential injunction. The subject matter in both O.S. No. 81 of 2019 and O.S. No. 51 of 2022 relates to the same property, and the parties are substantially the same. The evidence, documents, and factual matrix in both cases are closely interlinked. Therefore, separate trials may result in duplication of evidence and carry a risk of conflicting judgements on the same set of facts. It is well settled that, to avoid multiplicity of proceedings and inconsistent decisions, courts may order joint trials when the issues in both suits are interrelated and can be conveniently disposed of together. Considering the facts and circumstances of the case, this Court is of the view that a joint trial of both suits would serve the ends of justice and avoid unnecessary inconvenience to the parties.

As a result, the petition is allowed. It is ordered that O.S. No. 51 of 2022 and O.S. No. 81 of 2019 shall be tried jointly. It is made clear that O.S. No. 81 of 2019 shall be treated as the leading case.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in the open Court on the 3rd day of November 2025.)

Sd/-
Rovin Rodrigues
Principal Munsiff

Appendix: - Nil

Sd/-
Principal Munsiff

/True Copy/

Rovin Rodrigues
Principal Munsiff

*Fair Copy of Order in
IA No.03/24 in O.S.51/2022
Dated: 03.11.2025*