

**IN THE COURT OF THE MUNSIFF, ETTUMANOOR**

**Present: Miss. Annu Mary Jose., Munsiff**

Thursday, the 9<sup>th</sup> day of October, 2025  
17<sup>th</sup> day of Aswina, 1947

**IA.3/2025 in OS. No. 44/2024**

**Petitioner/Plaintiff:**

Claramma Varghese, aged 63 years,  
W/o. Varghese, Mangalappallil House,  
Muttambalam Kara, Kottayam Village,  
Kottayam Taluk.

By Adv. Rajeev P.Nair

**Respondents:**

Mangalam Education Society, Reg.No.K.523/2001,  
having its registered office at S.H. Mount P.O.,  
Nattassery Kara, Perumbaikkadu Village,  
And now having its office at Mangalam Hills,  
Vettimukal P.O., Ettumanoor Village.

By Adv. Nithin Sunny Alex & Adv. Praveen Kumar C.

This Petition has come up for hearing on 07.10.2025 and  
the court on 09.10.2025 passed the following:-

**ORDER**

This application is filed by the plaintiff to allow the joint trial of the above suit with O.S no.45/2024.

**2. The averments in the affidavit filed in support of the application in brief are as follows:-** The petitioner is the plaintiff in the above case. The suit is filed for evicting the defendant from the plaint schedule property. The plaintiff's son also instituted a similar suit against the respondent seeking the same relief. The evidence to be adduced are same. The dispute is between the parties with regard to the eviction of the respondent from the plaint schedule property. Hence it is prayed to allow the joint trial of this case with O.S no.45/2024.

**3. The defendant/respondent filed objection contending as follows:-** The application is not maintainable. The question of fact in both cases and cause of action are also different. The transaction in both cases and agreements from which both the suits arose are also different. Both the suits require separate evidence to be adduced. Hence, it is prayed to dismiss the application.

**4.** Heard. Perused the records.

5. The learned counsel for the petitioner submitted that the evidence to be adduced in both cases are same. The reliefs claimed in both cases are same. Hence it is prayed to allow the application. Per contra, the learned counsel for the respondent submitted that the plaintiff in both cases are not same. The plaint schedule properties and cause of action in both cases are also different. Hence it is prayed to dismiss the application.

6. I have gone through the contentions of the learned counsel for the petitioner, learned counsel for the respondent and perused the records in the above case. O.S 44/2024 in O.S 45/2024 are filed seeking the relief of evicting the defendant from plaint schedule property. It can be seen that the plaintiff in both cases is different. The plaint schedule properties in both cases are also different. A perusal of plaint in O.S 44/2024 would show that the plaintiff and defendant executed lease deed no.1131/2014 and it can be seen from the plaint in O.S 45/2024 that the plaintiff and defendant executed lease deed no.1130/2024. It is true that the cause of action for the suit arose on the same date. However, it is to be noted that the plaintiff in both cases are different. The lease deed relied on by plaintiff in both cases are different and plaint schedule

properties are also different. So, it is not convenient to try the cases together. In **Muhammad v. Raveendran Nair 2025 KHC 48** it was held that *'a joint trial is ordered when a Court finds that ordering of such a trail to avoid overlapping of evidence being taken in two or more cases and it will be more convenient to try them together for interest of the parties and in the interest of the effective trial of the case'*. In the case on hand, there is no need to order joint trial since the same is not necessary for the effective trial of both cases. Hence, it is fit to dismiss the application.

7. In the result the application is dismissed. No order as to costs.

*(Dictated to the Confidential Assistant, transcribed and typed by her corrected by me and pronounced in open Court on this the 09<sup>th</sup> day of October, 2025)*

**Sd/-  
Annu Mary Jose  
Munsiff**

**APPENDIX : NIL**

Typed by :  
Compared by :

**Sd/-  
Annu Mary Jose  
Munsiff**