

**IN THE I ADDITIONAL DISTRICT & SESSIONS COURT**

**AT CUDDALORE**

Present: Thiru. **S.Prakash**, B.Sc., B.L., LL.M.,  
I Additional District & Sessions Judge (FAC),

Thursday, the 07<sup>th</sup> day of March, 2024

**O.S.No. 212 of 2020 & 316 of 2020**

**(CNR No. TNCD01 - 004018 - 2020 & 005141 - 2020)**

**O.S.No.212 / 2020 :**

1. Amanulla

2. Najeermohamed

**-Plaintiffs**

**-Vs-**

1. Mohamed Bhashik

2. Jasmin

**-Defendants**

**and**

**O.S.No.316 / 2020 :**

1. Abdul Nazar

2. Zerina Begam

**-Plaintiffs**

**-Vs-**

1. Rahamathulla

2. Nazeer Mohamed

3. Amanulla

4. Mohamed Bashik

5. Jasmine

**-Defendants**

This above said Original suits are coming before this court for final hearing on 20.02.2024. The PW.1 / Zerina Begam - 2<sup>nd</sup> Plaintiff in

O.S.No.316/2020 is present. Further the Plaintiff No.1 in O.S.No.212/2020 is present. Counsel for Plaintiff in O.S.No.212/2020 is present. Counsel for Plaintiff in O.S.No.316/2020 is present. Counsel for Defendant No.2 and 4 in O.S.No.212/2020 is present, and upon perusal of case records and after hearing the learned Counsels appearing for the litigants, this Court delivers the following:

### **COMMON ORDER**

1. Today when the case in O.S.No.212 / 2020 is taken up for consideration, it is observed that the said case is posted for framing of issues. On careful perusal of Plaint, Counter-Claim and Reply Statement filed in O.S.No.212/2020, it is noted that the connected suit in O.S.No.316 / 2020 by Abdul Nazar and Zerina Begam was filed and pending before this Court for adjudication. It was brought to the notice of this Court that the case properties in both the suits are one in same.

2. The suit in O.S.No.212/2020 was filed by Amanulla and Najeermohamed as against Mohamed Bhasik and Jasmin, seeking for declaration of their title in respect of deceased Jamaludeen's 1/4<sup>th</sup> Share in the suit properties. In which the defendants laid a Counter-Claim seeking relief for dismissal of the suit as well as relief of Preliminary Decree of Partition in respect of Defendants 1/4<sup>th</sup> Share in Item No.1 to 9.

3. Be that as if may, Abdul Nazar and Zerina Begam had filed a suit for Partition claiming 1/4<sup>th</sup> Share in the same suit properties vide O.S.No.316/2020 as against Rahamathulla, Nazeer Mohamed, Amanulla, Mohamed Bashik and Jasmine. The said Amanulla and Najeermohamed are plaintiff in O.S.No.212/2020. The Mohamed Bashik and Jasmine being defendants 4 and 5 in O.S.No.316/2020 are defendants 1 and 2 in O.S.No.212/2020.

4. On careful perusal of reliefs as well as the suit Items of properties, it is evident that both the suits are relating to the same properties and the litigants claiming different devolution of title and also claiming different proposition of share in the suit properties. In such circumstances, deciding one suit will automatically have bearing on the another suit. Moreover the suit in O.S.No.212/2020 will be a cloud to the title alleged in O.S.No.316/2020. In similar way the relief sought in O.S.No.316/2020 is also cloud to title pleaded in O.S.No.212/2020.

5. In such circumstances, if any suit has been decided without impleading all the necessary parties, it will be a futile exercise. Further a Court adjudication process cannot be made behind back of a litigant. If we do so, the aid process is alien to the Concept of fair trial. Therefore, in order to have an inclusive decision and to be avoid multiplicity of proceedings, this Court wanted to implead all the necessary parties in both suit, for comparative decision and to

avoid ambiguity in future with regard to suit properties. This is the fit case to invoke the Order I Rule 10(2) of CPC to meet the ends of justice.

**Conclusion :**

6. In the result, the Plaintiff in O.S.No.212/2020 are hereby directed to implead all the relevant parties with reference to O.S.No.316/2020. Similarly the Plaintiff in O.S.No.316/2020 is also directed to implead all the necessary parties for the inclusive decision and to avoid multiplicity of proceedings.

For compliance by 26.03.2024.

*// Dictated to the Steno-Typist, written and transcribed by her, corrected and additions made by me in my official Laptop and pronounced by me in open Court on this the 07<sup>th</sup> day of March 2024 //*

**Sd/- S.Prakash, B.Sc., B.L., LL.M.,  
I Additional District & Sessions Judge (FAC),  
Cuddalore.**