

IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, CHIDAMBARAM

Present: Tmt.E.Swetha, B.B.A., L.L.B (Hons)
 Additional District Munsif
 Chidambaram.

Friday, the 13th day of February 2026

IA.NO. 234/2024 IN OS.NO.71/2014

Shahinsha Khaja Moinudeen

.....Petitioner/ Plaintiff

/Vs/

1. The Executive Officer

Lalkhan Pallivasal

Chidambaram

2. Mohammed Jiyavudeen

3. M. Mohammed Hussain

4. E.S. Mohammed Ali

5. Dr. I. Jawahar

6. K. Jamal Hussain

7. M. Jakkir Hussain

8. The State of Tamil Nadu,

Represented by the District Collector, Cuddalore

9. The Revenue Divisional Officer, Chidambaram

10. The Tahsildar, Chidambaram

11. Raja Mohammed Kuthbudin

12. Thamimun Ansari

13. Navab Shagul Hamid

14. The Special Tahsildar

Town Survey Settlement Office

Chidambaram

.....Respondents/Defendants

This petition came on 02.02.2026 for final hearing before me in the presence of Thiru. A.Sambandam, Advocate for the petitioner and Thiru.N.Rajendiran, Advocate for Respondents and upon hearing the argument of both sides and having stood over for consideration till this day, this court delivered the following:

ORDER

Petition filed under Section 151 of CPC to stay the trial of the suit OS.No.71/2014 and also the suit in OS.No.114/2014 till the suit in OS.No.404/2021 before the Additional District Judge No. 2, Chidambaram is tried and judgment is pronounced and for costs.

2. The case of petitioner:

2.1 The petitioner is the plaintiff in the main suit. The respondents are the defendants in the main suit. The petitioner has filed the suit for declaration of occupancy right and consequentially for permanent injunction and for other reliefs in respect of the suit property. The petitioner also filed the suit in O.S.No.114/2014 before this court for Mandatory Injunction and for other reliefs. The petitioner has filed Tr.OP.No.88/2021 before the District Court, Cuddalore, to transfer the main suit in O.S.No.71/20114 to be tried jointly with O.S.No.114/2014. That petition was allowed on 14.02.2023. Subsequently O.S.No.71/2014 before the Principal District Court, was transferred to this court.

2.2 During the pendency of these two suits, taking advantage of his absence and his family members, the respondents 1 to 7 with several unruly elements and thugs entered the suit property with JCB machines on 11.01.2021 and completely demolished the buildings in the suit property, destroyed all the records and took away all the articles and removed the entire debris. Now the suit property is lying as a vacant site. Hence the petitioner has filed a suit for recovery of possession of the suit property and for other reliefs in O.S.No.404/2021 before the District Court, Cuddalore. Subsequently it has been transferred to Additional District Judge Chidambaram and it is pending before the court. At the time of filing the main suit, in O.S.No.71/2014 and

O.S.No.114/2014 the 1st defendant Pallivasal was represented by the Executive Officer. Since the respondents/ Defendants 2 to 4 attempted to trespass upon the suit property they were added as defendants. Subsequently by the orders of the Tamil Nadu Wakf Board the Executive Officer was relieved and defendants 2, 4 and 5 to 7 were appointed as a committee of members to manage the Pallivasal. Hence, they were impleaded as party to the suit. While the main suit was filed for declaring the occupancy right and for permanent injunction, the petitioner filed the second suit in O.S.No.114/2014 for a Mandatory Injunction directing the Government to grant patta under Tamil Nadu Minor Inams Abolition Act 1963 in respect of the suit property and other alternative reliefs.

2.3 The suit property in both the suit in O.S.No.71/2014 and 114/2014, is the same T.S. No. 615/2, 14576 sq. ft at Ilamaiyakkinar Koil Street, Chidambaram. While both the suits are pending, the Lalkhan Pallivasal Managing committee members trespassed upon the suit property. On the complaint given by the petitioner to the police, no action was taken. Hence the petitioner was constrained to file the suit in OS. NO. 404/2021 under section 6 of Specific Relief Act for recovery of possession. Besides recovery of possession of suit property, the petitioner also prayed for compensation and other reliefs. Since the respondents/ defendants 1 to 7 attempted to put up construction, the petitioner also prayed for permanent injunction. Since it is a suit for recovery of possession before a higher forum before Completion of trial in that suit, the trial in this suit O.S.No.71/2014 and O.S.No.114/2014 cannot be proceeded with further. The respondents 1 to 7 herein who are defendants in O.S.No.404/2021 have raised the questions relating to the title to the property and also with regard to his entitlement for recovery of possession, the judgment and decree will have a direct impact on the question of granting any injunction in this suit. Hence the trial in this court cannot be proceeded with, till the other suit in OS. No. 404/2021 before the Additional District Judge, Chidambaram is tried and

judgment is pronounced. Hence it is necessary to stay the trial of this suit and also the suit in OS. NO. 114/2014. The petitioner prays that this court may be pleased to stay the trial of this suit and also the suit in O.S.No.114/2014 till the suit in O.S.No.404/2021 before the Additional District Judge, Chidambaram is tried and judgment is pronounced and for costs. Hence this petition.

3. The case of the respondents:

3.1 The petitioner has not stated in detail the grounds on which the suits in OS.No.71 of 2014 and 114 of 2014 have to be stayed. Further the reason for the Court to invoke its inherent powers under Sec.151 of CPC for staying of the suits when the Code itself provides an express provision has not been stated. The petition is not maintainable either on law or on facts for the reason that the Petitioner filed the suit in OS.No.404 of 2021 under Sec. 6 of the Specific Relief Act for recovery of possession and pending the said suit, the Respondents herein filed an IA.No.101 of 2022 for return of plaint on the ground of jurisdiction. To the said petition, the Petitioner has filed his counter statement wherein in paragraph 8, the petitioner himself has differentiated the suits filed by him. In paragraph 8, the Petitioner has stated that he filed the suit in OS.No.404 of 2021 under Sec. 6 of the Specific Relief Act, which is a substantive law and the provisions of CPC belong to a category of procedural law. The Petitioner further differentiates that as per Sec. 6 of the Specific Relief Act, the aggrieved dispossessed person is entitled to recover possession, notwithstanding any other title that may be set up in the suit and the suit is of the summary nature and the relief granted only on the basis of previous possession and subsequent illegal dispossession alone has to be decided. From the above it is clear that the Petitioner himself has differentiated the suits filed by him and its nature and therefore, now he cannot be permitted to take a dual stand according to his whims and fancies by alleging the impact of the final verdict, which is in clear abuse of the process of the Court.

3.2 The Petitioner already preferred the suit in OS.No.71 of 2014 for declaration of his occupancy and the same is pending before Hon'ble Court. Without prejudice and even assuming without conceding, if the petitioner succeeds in the suit in OS.No.404 of 2021 filed under Sec. 6 of the Specific Relief Act, the burden is still lie on him to prove his title and the legal possession thereof with regard to the suit property. For the same, without prejudice, the suits in OS.No.71 of 2014 and 114 of 2014 on the file of this Court, has necessarily to be adjudicated on its own merits and the facts of the case. At this juncture, if the said suits in OS.No.71 of 2014 and 114 of 2014 pending before this Court is stayed, it will cause great injustice to the Respondents herein. The Petitioner filed the suits in OS.No.71 of 2014 and 114 of 2014 in the year 2014. The suit in OS.No.404 of 2021 has been filed in the year 2021. However, the present petition is filed after a period of three 3 years from the date of institution of the suit in OS.No.404 of 2021 which is nothing but an abuse of the process of the Court. Without prejudice, even assuming without conceding, the Courts cannot stay the previous instituted suits and the subsequent suit alone maybe stayed. In this case, the Petitioner wants an order of stay of the previous suits instituted in the year 2014 after a period of 8 years.

3.3 The Petitioner has sought several adjournments and successfully dragged on the suits for all these years without conducting the trial. When this Court posted the suit in OS.No.71 of 2014 for trial as finally on 22.04.2024 with an observation that the suit will be dismissed for default in next hearing, the Petitioner intentionally filed this present petition in order to drag on the suits again. The sole intention of the Petitioner is to stall the entire proceedings of the suits in OS.Nos.71 of 2014 and 114 of 2014 and to keep the suits pending for years for gaining undue advantages. Further the judgment and decree is passed in OS.No.404 of 2021, would not impact the suits in OS.Nos.71 of 2014 and 114 of 2014 in anyway. Even assuming without conceding, if the Petitioner

succeeds in the suit in OS.No.404 of 2021, the Petitioner still has to prove his title over the suit properties. Generally, in the suits filed under Sec. 6 of the Specific Relief Act, the only question that has to be determined by the Court is if the Plaintiff was in the possession of the disputed property before the dispossession or not and if he had been illegally dispossessed or not. This determination would not in any way impact the suits in OS.Nos.71 of 2014 and 114 of 2014 on the file of this Court.

3.4 The petitioner has also suppressed the vital fact that the petitioner has already filed a suit in OS.No.8 of 2014 before this Court against the very same Respondents for the relief of permanent injunction and the same has been withdrawn by him without any liberty from this Court. It is further submitted that the Respondents herein filed a Civil Revision Petition in CRP.No.813 of 2023 before the Hon'ble High Court of Madras challenging the fair and decretal order dated 15.11.2022 passed in IA.No.101 of 2022 in OS.No.404 of 2021 on the file of the Hon'ble ADJ No.2, Chidambaram. When the said Revision Petition had come up for final hearing on 31.07.2024, the Petitioner through his Counsel has submitted before the Hon'ble High Court that he filed a suit in OS.No.404 of 2021 under Sec.6 of the Specific Relief Act against the alleged dispossession and he wants to pursue the suits in OS.No.71 of 2014 and 114 of 2014 for the relief as sought for therein in order to prove his title and possession. Therefore, when the petitioner himself wants to pursue the said two suits, he cannot now take a dual stand and seeks for an order of stay of the trial. Therefore, the present petition is nothing but an abuse of the process of the Court and the same has to be dismissed in limini. If this petition is allowed, it will cause great prejudice to the Respondents herein. On the other hand, no prejudice will be caused to the Petitioner, if this petition is dismissed. Hence prays for dismissal of the petition with exemplary cost.

4. On both sides, no oral and documentary evidences produced.
5. Now the point for consideration is whether the petitioner is entitled to get the relief as prayed for?

Points for consideration:

6. Heard both sides learned counsels. Material records perused. This is the petition filed under Section 151 of CPC to stay the trial of the suit OS.No.71/2014 and also the suit in OS.No.114/2014 till the disposal of OS.No.404/2021 before the Additional District Court, Chidambaram. The suit pertains to the year 2014 and filed for the relief of declaration of occupancy rights and consequential permanent injunction. By virtue of order passed in Tr.OP.No.88/2021 by the Hon'ble District Court, Cuddalore, the main suit in O.S.No.71/2014 was ordered to be transferred and tried jointly with O.S.No.114/2014. The suit in O.S No.114/2014 was filed for the relief of mandatory injunction. On perusal of records, it is seen that when the suit was posted for trial, the present petition has been filed.

7. According to the petitioner, during the pendency of the above suits, he alleges that he was dispossessed from the suit property on 11.01.2021 by respondents 1 to 7 and others, who allegedly demolished the superstructure and removed the materials. Consequently, the petitioner instituted O.S.No.404 of 2021 before the District Court, Cuddalore (now pending before the learned Additional District Judge No.II, Chidambaram), under Section 6 of the Specific Relief Act, seeking recovery of possession, compensation and consequential reliefs. The contention of the petitioner is that since O.S.No.404 of 2021 involves the question of possession and the respondents have raised issues relating to title therein, the judgment in that suit will have a direct bearing on the reliefs sought in O.S.No.71 of 2014 and O.S.No.114 of 2014. Therefore,

according to him, the trial of the earlier suits has to be stayed till disposal of O.S.No.404 of 2021.

8. Per contra, the respondents contend that the present petition is not maintainable either in law or on facts. It is submitted that Section 151 CPC cannot be invoked when specific provisions exist in the Code. It is further contended that a suit under Section 6 of the Specific Relief Act is summary in nature and is confined to the question of prior possession and subsequent dispossession, irrespective of title. Therefore, the decision in O.S.No.404 of 2021 will not operate as res judicata on the issue of title, which is the subject matter of O.S.No.71 of 2014 and O.S.No.114 of 2014. It is also pointed out that the earlier suits were instituted in the year 2014 and the present petition has been filed belatedly, allegedly to protract the proceedings.

9. It is not in dispute that O.S.No.71 of 2014 is a suit for declaration of occupancy right and permanent injunction and O.S.No.114 of 2014 is a suit for mandatory injunction relating to grant of patta. It requires adjudication of title and entitlement to consequential reliefs. On the other hand, O.S.No.404 of 2021 has been filed under Section 6 of the Specific Relief Act for recovery of possession based on alleged dispossession. It is well settled that a suit under Section 6 of the Specific Relief Act is summary in nature and the Court is concerned only with the question whether the plaintiff was in prior possession and whether he was dispossessed otherwise than in due course of law. Further, the question of title is not finally adjudicated. In the present case, the earlier suits in O.S.No.71 of 2014 and O.S.No.114 of 2014 were instituted much prior to O.S.No.404 of 2021. Further, the suits pertain to the year 2014. While being so, this court is of the view that there is no substantial loss shown by the petitioner and if this petition is allowed, again it would cause further delay. Hence, for the afore-mentioned reason this court is of the view that there are no merits in this petition as such if the suit is not progressed then irreparable injury

will be caused to both parties. Hence, this court is not inclined to allow this petition.

In the result, this petition is dismissed. No costs.

Dictated to the steno-typist, transcribed by her and typed in computer, corrected and pronounced by me in the open court this the 13th day of February 2026.

(Sd/-E.Swetha)
Additional District Munsif,
Chidambaram.

List of witnesses and documents on both sides:

NIL

(Sd/-E.Swetha)
Additional District Munsif,
Chidambaram.