

**IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, CHIDAMBARAM**

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

Wednesday, the 10<sup>th</sup> day of September 2025

**I.A.NO.37/2025**  
**in**  
**O.S.NO. 196/2016**

Senthil Kumar

..... Petitioner/ Plaintiff

/Vs/

1. State of Tamilnadu, Rep by  
Collector of Cuddalore Dist.
2. The Tahsildar, Bhuvanagiri Taluk
3. Jambulingam
4. Mangaiyarkarasi

..... Respondents/ Defendants

This petition is coming on 19.8.2025 for final hearing before me in the presence of Thiru.N.Rajendiran, Advocate for the petitioner and Thiru.K.S.Elangovan, Advocate/ Government Pleader for Respondents No.1, 2 and Thiru.K.Sathiyamoorthy, Advocate for 3, 4 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 for simultaneous trial of the instant suit along with OS.No.6/2016 which is pending before this court.

**2. The gist of the petition filed by the petitioner:**

The petitioner herein is the plaintiff in the main suit. The respondents are the defendants. The main suit is filed against the defendants seeking for the relief of permanent injunction and other reliefs. The defendants are contesting the case by filing written statement. The suit is pending in the stage of PW1 cross after

the petitioner's chief examination. With respect to this suit property, the petitioner has also filed O.S.No.6 of 2016 before this Court, seeking a declaration that the sale deed dated 13.10.2010 is null and void, along with other reliefs, against the 3rd and 4th defendants herein. The parties in both the suits are same. The issue regarding the rights with respect to the suit property contains the same facts. Hence, simultaneous trial for both the suits is required to determine the issues involved in the suit completely without contradictory judgments. Hence, it is necessary for simultaneous trial of the instant suit with OS.No.6/2016 pending before this court, failing which the petitioner would be put to irreparable loss and hardship. Hence this petition.

### 3. The gist of the memo of objection filed by the 1,2 Respondents:

The petition filed is devoid of merit, both on facts and in law, and is liable to be dismissed. The suit in O.S. No. 6 of 2016, filed against the 3rd and 4th respondents seeking a declaration, is still pending. In OS.No.6/2016 the 1<sup>st</sup> and 2<sup>nd</sup> respondents herein are not parties and there is no nexus for these respondents. The instant petition filed while the suit in OS. NO. 196/2016 is pending for cross examination of plaintiff by the 1<sup>st</sup> and 2<sup>nd</sup> respondent, is not maintainable. The parties in both the suits are not the same. The dispute regarding the rights is between the petitioner and the 3<sup>rd</sup> and 4<sup>th</sup> respondents. Hence it is not necessary for simultaneous trial of both the suits. Hence prays for dismissal of the petition with costs.

### 4. The gist of the counter filed by the 3<sup>rd</sup> and 4<sup>th</sup> Respondent:

4.1 The counter filed by the 4<sup>th</sup> Respondent had been adopted by the 3<sup>rd</sup> Respondent. The 4<sup>th</sup> respondent submits that the petition filed Under Sec. 151 CPC and also filed the suit for mandatory injunction and the other reliefs is not at all maintainable either in law or on the facts of the case and it is liable to be dismissed in limini. The petitioner filed the suit as against the respondent herein for mandatory injunction in favour of petitioner as against the respondents 1 &

2 thereby directing the respondent 1 & 2 to restore the patta in the name of the petitioner. In the plaint the petitioner said that no notice was served by the 1<sup>st</sup> and the 2<sup>nd</sup> respondents to the petitioner and no enquiry was conducted the 1<sup>st</sup> and the 2<sup>nd</sup> respondents, the 4<sup>th</sup> respondent applied for the mutation of revenue records before the 2<sup>nd</sup> respondent, as per the petition the 2<sup>nd</sup> respondent included the 4<sup>th</sup> respondent as joint patta in vide joint patta No.562, then the 4<sup>th</sup> respondent applied for the separate patta before the 2<sup>nd</sup> respondent, the 2<sup>nd</sup> respondent issued proper notice to the petitioner and the 4<sup>th</sup> respondent after the enquiry the 2<sup>nd</sup> respondent issued separate patta in the name of the 4<sup>th</sup> respondent on 22.06.2014 the petitioner also appeared before the Sub Collector of Chidambaram, the petitioner attended the said enquiry.

4.2 On 22.9.2014, 16.10.2015, 16.11.2016, the notice was served both petitioner and 4<sup>th</sup> respondent, the enquiry was conducted based on the documents, the order was passed by the RDO of Chidambaram on 16.11.2015 and the DRO of Cuddalore passed order on 19.12.2017, it was very well known to the petition herein. In OS. 6/2016 and OS. 196/2016 is entirely different prayer and different cause of action, and also the OS No. 6/2016 is conducting by the different counsel the petitioner filed the suit as against the 1<sup>st</sup> and the 2<sup>nd</sup> respondent then after the 3<sup>rd</sup> and the 4<sup>th</sup> respondent was impleaded as party in the suit. In the present suit the petitioner sought relief as against government. The petitioner filed this vexatious petition to create evidence by the way of simultaneous trial, the petitioner misled this court and filed this vexatious petition for drag on the above case. When the same parties and same cause of action was arising then only the simultaneous trial comes, in the above suit the petitioner sought relief as against the government. The 4<sup>th</sup> respondent already failed the separate suit in OS.No.124/2011 and obtained the order of injunction as against the petitioner herein for the same suit property. The petitioner not filed this petition with clean hands, so therefore the petition is not at all maintainable either in law nor on the facts of the case. Therefore, the petition filed by the petitioner under Order Section 151 of CPC and also filed the suit for mandatory injunction and the other reliefs is not at all maintainable either in law

or on the facts of the case and it is liable to be dismissed in limini with heavy costs.

5. Now the point for consideration is whether the petitioner is entitled to get the relief as prayed for?

6. On the side of both parties, no oral and documentary evidence was let in.

Points for consideration:

7. Heard both sides learned counsels. Material records perused. This is the suit filed for the relief of permanent injunction. This is the Petition filed under Section 151 of CPC for simultaneous trial of the instant suit along with OS.No.6/2016 which is pending before this court. The Original Suit is pending in the stage of PW1 cross after the petitioner's chief examination. With respect to this suit property, OS.No.6/2016 is filed by the petitioner seeking for the relief of declaration that sale deed dated 13.10.2010 is null and void against the defendants No. 3,4 before this court. According to the petitioner, the parties in both the suits are same. The issue regarding the rights with respect to the suit property contains the same facts. Hence, simultaneous trial for both the suits is required to determine the issues involved in the suit completely without conflicting judgments.

8. The 1,2 respondents contend that the suit in O.S. No. 6 of 2016, filed against the 3rd and 4th respondents seeking a declaration, is still pending and the 1<sup>st</sup> and 2<sup>nd</sup> respondents herein are not parties and there is no nexus for these respondents. The instant petition filed while the suit in OS. NO. 196/2016 is pending for cross examination of plaintiff by the 1<sup>st</sup> and 2<sup>nd</sup> respondent, is not maintainable. The parties in both the suits are not the same. The dispute regarding the rights is between the petitioner and the 3<sup>rd</sup> and 4<sup>th</sup> respondents.

9. The 3<sup>rd</sup> and 4<sup>th</sup> Respondents contend that the petitioner filed the suit against respondents 1 and 2 seeking restoration of the patta in their name, claiming that

no notice or enquiry was conducted before changes were made to the patta. However, the 4th respondent had applied for patta mutation and subsequently for a separate patta, for which proper notice and enquiry were conducted by the authorities. On 22.9.2014, 16.10.2015, 16.11.2016, the notice was served to petitioner as well and the enquiry was conducted based on the documents, the order was passed by the RDO of Chidambaram on 16.11.2015 and the DRO of Cuddalore passed order on 19.12.2017. The petitioner was aware of the proceedings and orders passed by the concerned revenue authorities. The suit in OS No. 6/2016 and OS No.196/2016 involve different causes of action and prayers, with different counsels. The current suit is aimed against the government, and the petitioner has included the 3rd and 4th respondents later. The petitioner filed this petition to mislead the court and delay the case. Since the same cause of action does not arise, a simultaneous trial is not applicable. Furthermore, the 4th respondent had earlier filed OS.No.124/2011 and obtained an injunction against the petitioner regarding the same property. The 4<sup>th</sup> respondent asserts the petitioner has not approached the court with clean hands, rendering the current petition legally and factually unsustainable, and requests its dismissal with heavy costs.

10. On perusal of rival submission of both sides, this court considers that in order to avoid contradictory judgments in respect of the same property involved in both the suits, it is just and necessary to order simultaneous trial. Though, the respondents contend that parties to both the suits are different, it is pertinent to note that the petitioner seeks only a simultaneous trial, not a joint trial. Further the objections raised by the respondents are not sufficient to outweigh the necessity of conducting a simultaneous trial in the interest of justice. The averments pleaded can be appropriately adjudicated only after a full-fledged trial. The scope of the instant petition is confined to seeking for simultaneous trial of the instant suit along with OS.No.6/2016 which is pending before this court. Hence this court considers that the respondents would not suffer any damage owing to the simultaneous trial, on the contrary, a simultaneous trial would serve the interests of both parties.

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

Order directly dictated to Steno-Typist, typed by her, corrected and pronounced by me in the Open Court on this, the 10<sup>th</sup> day of September 2025.

(Sd/ E.Swetha)

Additional District Munsif,  
Chidambaram.

**List of witnesses and documents on the side of the petitioners:**

NIL

**List of witnesses and documents on the side of the respondents:**

NIL

(Sd/ E.Swetha)

Additional District Munsif,  
Chidambaram.