

IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, KULITHALAI

Present : Selvi.A.Yughathymariya, B.Com, L.L.B.(Hons.,)

Additional District Munsif, Kulithalai.

Dated Thursday, the 05th day of February 2026

I.A No.10/2025 in O.S No.20/2023

P.Andiappan (Joint Family Manager)

...Petitioner/Plaintiff

- Vs -

1) Shanmugam

2) S.Pichaimuthu

3) S.kanagaraju

4) Anjalam

...Respondents/ Defendants

This petition has come up for final hearing on 23.01.2026 before this Court in the presence of Mr.B.Thiagarajan, the Learned Counsel appearing for the Petitioner and in the presence of the Mr.K.Sakthivel, the Learned Counsel appearing for the Respondents and upon perusal of material records and having stood over for consideration till this day, this court delivers the following:

ORDER

This petition is filed by the Petitioner/Plaintiff under section 151 of CPC seeking permission of this Court to proceed with the trial of this suit jointly with the trial of the connected suit in O.S.No.170/2022 pending on the file of this Court.

Brief averments in the affidavit:

2) The Petitioner is the Plaintiff in the above suit. The above suit has been filed by the Petitioner for the relief of Permanent Injunction in respect of the suit property against the Respondents/Defendants. The suit property belonged to one Boomidhana board and the lands are donated to the joint family of the Plaintiff and Defendants.

The 1st Defendant is the brother of the Plaintiff and the Defendants No. 2 and 3 are the sons of the Plaintiff and the 4th Defendant is the wife of the Plaintiff.

3) The land which has been donated by the said Boomidhana board to the family of the 1st Plaintiff and the 2nd Plaintiff were partitioned under an unregistered partition deed dated 20.02.2013. The 1st Defendant in the above suit has filed a suit is O.S.No. 170/2022 on the file of this Court and in that suit the Plaintiff side further evidence is posted on 23.09.2025 and the suit property is covered under the partitioned deed dated 20.02.2013 and the documents and issues are one and the same in the above suit. Under such circumstances, to avoid multiplicity of proceedings and contractory order and judgment, it is necessary for the trial of both suits jointly otherwise the Petitioner will be put to irreparable loss and hardships. Hence, this Petition for joint trial.

Brief averments in the counter filed by the Respondents:

4) This petition is false. All the allegations contained in the affidavit are denied by the Respondents and the Petitioner is liable to prove them very strictly. The suit property originally belonged to one Boomidhana board and the land donated to the joint family and then the same was partitioned by way of unregistered partitioned deed dated 20.02.2013 are all false and denied. The 1st Respondent herein has filed a suit before this Court in O.S.No. 170/2022 and the above suit is posted by this Court on 01.10.2025 for Defendants side evidence. However, this suit has been posted for trial list by this Court. Both suit before this Court are in different stages and the Petitioner has filed this petition only to drag on the trial of this suit. In the above suits, the suit property are separate property but in same survey number. The Respondents are ready to proceed with the trial of this suit. In this stage, this petition is not maintainable. Hence, this petition is liable to be dismissed with costs.

Point for determination:

5) Whether this petition for joint trial is entitled to be allowed or not?

Evidence:

6) There is no oral and documentary evidence adduced on either side.

Discussion:

7) Heard both sides. Records perused. Upon perusal of records, it is seen that the above suit in O.S.No. 20/2023 has been filed by the Petitioner/Plaintiff for the relief of Permanent Injunction in respect of the property in S.F.No. 1920 in D.Edaiyapatty West Village, Kadavur Taluk, Karur District. Admittedly, this suit has been posted for trial list by this Court. It is also seen that the suit in O.S.No. 170/2022 which is pending on the file of this Court was filed by the 1st Respondent herein against the Petitioner herein and his family members seeking for the relief of Permanent Injunction in respect of the property in the same survey number 1920 in D.Edaiyapatty West Village, Kadavur Taluk, Karur District.

8) The above suit in O.S.No. 170/2022 has been posted for marking of documents on the side of the Defendants. The Petitioner herein who is the 1st Defendant in the above suit was examined as DW1 and proof affidavit of DW1 filed and recorded in the above suit. However, no documents were marked and hence, the above suit was posted for marking of documents. Pending the same, this petition has been filed by the Petitioner herein in this suit seeking permission of this Court for joint trial of this suit with the above suit in O.S.No. 170/2022 by contending that the issues which are to be decided between the parties in both the suits are similar and the subject matter of the suit property is also one and the same and sought this Court to permit the joint trial of the above suits. However, the major objection that has been raised on the side of the Respondents herein is that the stages of the above two suits are different and

the suit property are separate property in the same survey number and hence they contended that this petition for joint trial is not maintainable.

9) Upon careful consideration of the submissions made on both sides and upon perusal of the material records available on hand, it could be seen clear that both the parties have admitted as to the fact that the suit property in S.F.No. 1920 originally belonged to one Boomidhana board. However, in this suit in O.S.No. 20/2023 the Petitioner has sought for the relief of Permanent Injunction against his own brother and family by contending that the property in S.F.No.1920 of D.Edaiyapatti West Village totally to an extent of Hec.2.66.0Ares was donated to the family of the Plaintiff and the 1st Defendant and they had partitioned equally between the said property and the Plaintiff has claimed to be in the possession of half share to an extent of Hec.1.33.0 Ares and the 1st Defendant was allotted with the remaining half share to an extent of Hec.1.33.0 Ares.

10) It is also the case of the Petitioner herein that the 1st Plaintiff and the 1st Defendant have installed borewell on the eastern side on the portion of the property of the 1st Plaintiff in the suit property and they both have applied jointly before the electricity board for getting electricity service connection, however as the electricity service connection will be allotted in the name of one person only, the Petitioner agreed to obtain electricity service connection for the said common well in the suit property in the name of the 1st Defendant and both have shared the expenses for installing the 5HP electric motor pumpset in the well and the service connection was given by the electricity board in the name of the 1st Defendant, who is the eldest brother.

11) Further, it is the case of the Petitioner/Plaintiff that due to the misunderstanding between the Plaintiff and the Defendants' family who raised objection for using the pumpset for irrigation of the Plaintiff's land and hence, the Plaintiff has filed this suit before this Court for the relief of Permanent Injunction thereby restraining

Defendants from interfering with the Plaintiff by way of restraining the Plaintiff from irrigating his share of land by using the common pumpset situated in the suit property.

12) Therefore, it is seen that the Plaintiff claims that he is also having a half share in the common well and the electricity motor pumpset which is situated in the suit property. Per contra, all these facts were denied by the Respondents/Defendants in this suit.

13) Upon perusal of the pleadings of the parties in the suit in O.S.No. 170/2022, it is seen that the 1st Defendant in the suit in O.S.No. 20/2023 has filed the above suit in O.S.No. 170/2022 against the Petitioner herein and his family members for the relief of Permanent Injunction in respect of the very same property in S.F.No. 1920 in D.Edaiyapatti West Village. It is the case of the Plaintiff in that suit is that it is the Plaintiff only who has been in the possession of his half share and he is one who has obtained the electricity service connection in his name and has been paying the electricity charges in his name, thereby contented that it is the Petitioner herein only who along with his family members have disturbed their possession from enjoying the said property. However, the Petitioner herein by way of filing written statement in the above suit had reiterated his contentions in the plaint filed the suit in O.S.No. 20/2023 and denied the case of the Plaintiff therein.

14) This being the factual position and circumstances of the above two cases, this Court is of the view that the parties to the above two suits are one and the same and they are litigating under the same title. Moreover, the suit property in the above two suits are identical and they are none other than the two different property in a same survey number. This apart, the nature of relief sought for by the parties and the subject matter and the disputes between the parties are identical in the above two suits and they are one and the same.

15) The primary issues which are to be determined and decided in both the suits are common and the evidence to be adduced both oral and documentary are largely identical in both suits. Therefore, this Court is of the view that allowing separate trials for these suits would result in significant waste of the time of this Court and the resources of the parties. Moreover, it would also create a risk of two different benches reaching contradicting conclusions on the same questions of fact and law. Hence, this Court finds that a joint trial is both convenient and necessary to ensure a fair and effective trial of the above two suits. Hence, this Court is inclined to allow this petition for joint trial.

Result:

In the result, with the above observations, in the interest of justice and on merits, this petition for joint trial is allowed. Both the parties are hereby directed to proceed with the trial of the suit in O.S.No. 170/2022. No costs.

Dictated to my steno-typist, taken down by her in short hand and typed by her in the computer, corrected by me and pronounced by me in the open court on this the 05th day of February 2026.

**Additional District Munsif,
Kulithalai.**

Petitioner side witnesses and documents	-	Nil.
Respondents side witness and documents	-	Nil.

**Additional District Munsif,
Kulithalai.**