

**IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, KULITHALAI****Present : Selvi.A.Yughathymariya, B.Com, L.L.B.(Hons.,)****Additional District Munsif, Kulithalai.****Dated Monday, the 16<sup>th</sup> day of February 2026****I.A No.03/2025 in O.S No.32/2024**

1) Rajagopal

2) Thenmozhi

**...Petitioners/Plaintiffs****- Vs -**

1) Krishnamurthy

2) Kamaraj

**...Respondents/ Defendants**

This petition has come up for final hearing on 30.01.2026 before this Court in the presence of Mr.R.M.Senthil, the Learned Counsel appearing for the Petitioners and in the presence of the Mr.A.Jaffar Shat, 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 Petitioners/Plaintiffs 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.96/2023 pending on the file of this Court.

**Brief averments in the affidavit:**

2) The Petitioners are the Plaintiffs in the above suit. The 2<sup>nd</sup> Petitioner is the sister of the 1<sup>st</sup> Petitioner. Originally, both the Petitioners have filed a suit before this Court in O.S.No. 96/2023 for the relief of Permanent Injunction against the Respondents/Defendants and this suit has been filed by the Petitioners against the Respondents for the relief of declaration that the alleged sale deed is null and void and also for injunction restraining the Respondents from taking water in the borewell

belonging to the Petitioners. The suit property and the parties to the above two suits are all one and the same.

3) In the suit in O.S.No.96/2023, the Petitioners have filed commission petition to inspect the suit property with regard to the borewell and the identity of the suit property, since the Defendants have created sale deed without any sub-division and they are colluding together with a view to grab the property of the Plaintiffs. This suit also stands for trial in respect of the same property. To avoid multiplicity of proceedings, this petition has been filed as both the suits involved similar issues between the same parties and regarding the same property. The cause of action for this suit is continuous to the above suit and hence, this petition for joint trial.

4) Both suit properties are in same survey number. The relieves sought for by the parties are one and the same. Hence, it is necessary to allow this petition and thereby allowing the Petitioners/Plaintiffs to take evidence by taking the trial of this suit since this suit is for declaration. No prejudice will be caused to the Respondents by allowing this petition. If this petition is not allowed, the Petitioners will be put to irreparable loss and hardships. Hence, this petition.

**Brief averments in the counter filed by the 1<sup>st</sup> Respondent and adopted by the 2<sup>nd</sup> Respondent:**

5) This petition is unsustainable in law and on facts and the Petitioners are not entitled to the relief sought for by them. Except those averments that are specifically admitted by the Respondents herein, all other allegations in the affidavit are denied and the Petitioners are put to strict proof of them all. This suit has been filed in the year of 2024. The cause of action of this suit and the cause of action of the suit in O.S.No.96/2023 are totally different. The Petitioners have not stated the reason why they have filed two different suits separately and now claiming for joint trial of the above two suits. Hence, this petition is not sustainable.

6) The Petitioners have not come to this Court with clean hands. Despite knowing all the facts and circumstances, the Petitioners have purposively filed this petition only to drag the Respondents and to disturb them. In order to prove the reasons stated in the affidavit, no documents have been filed on the side of the Petitioners. The Petitioners have not disclosed true and correct particulars in this petition. The Petitioners have no prima facie case in the above suit. If this petition is allowed, the Respondents will be put to irreparable loss and hardships. Hence, this petition is liable to be dismissed.

**Point for determination:**

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

**Evidence:**

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

**Discussion:**

9) Heard both sides. Records perused. Upon perusal of records, it is seen that this suit has been filed by the Petitioners/Plaintiffs for the relief of declaration of a sale deed dated 09.02.2021 standing in the name of the Defendants as null and void and also for the relief of Permanent Injunction restraining the Defendants from interfering with the possession of the Plaintiffs by taking water from the borewell in the suit property. It is also seen that the Petitioners/Plaintiffs have contented that the suit property are the ancestral joint family property of the Plaintiffs' grandfather. But the Defendants have purchased the suit property by way of the alleged sale deed dated 09.02.2021 from their father Srirangan and from the father of the Plaintiffs namely Veerasamy and his sister Nachammal by way of a registered sale deed. Therefore, the Petitioners/Plaintiffs have contented that without the consent and approval of the Plaintiffs, the above sale deed has been executed by the father of the Plaintiffs and his

sister. Moreover, the Plaintiffs have also alleged that the father of the Defendants have no right over the suit property to enter into the alleged sale deed in favour of the Defendants. Hence, the above suit has been filed for the relief of declaration of the sale deed as null and void and for the relief of Permanent Injunction. All the above averments stated by the Petitioners/Plaintiffs in the above suit were denied by the Defendants/Respondents herein by way of their written statement.

**10)** Admittedly, this suit has been ripened for trial. Pending the same, this petition has been filed by the Petitioner seeking the permission of this Court to proceed with the joint trial of this suit with the suit in O.S.No. 96/2023 pending on the file of this Court. Upon perusal, it is also seen that the Plaintiffs herein have also filed a suit in O.S.No.96/2023 against the Respondents herein for the relief of Permanent Injunction in respect of the property in S.F.No.382/1A1, 382/1A2 along with a borewell therein and S.F.No.382/1A3. The Petitioners have filed the above suit by contending the same averments as contained herein in the Plaint filed by them in this suit. This apart, the Petitioners have also alleged that the Defendants are illegally resisting the Petitioners from taking water from the borewell and hence have filed the above suit for the relief of Permanent Injunction in respect of the above property.

**11)** In the above suit in O.S.No.96/2023, the Defendants have denied all the allegations raised by the Plaintiffs in their written statement and they have contented that they have purchased the property from their father by way of a registered sale deed dated 09.02.2021 for a good and valuable sale consideration and denied the possession and title of the Plaintiff in respect of the suit property. This being the facts and circumstances of the above two cases, in both the suits, issues have been framed by this Court and both suits were ripened for trial. Pending the same, this petition has been filed by the Plaintiffs in this suit.

**12)** It is seen clear that the earlier suit has been filed by the Plaintiffs for the relief of Permanent Injunction against the Defendants in respect of the property in S.F.No.

382/1A1, S.F.No.382/1A2 along with a borewell and S.F.No.382/1A3. This suit has been filed by the Plaintiffs against the Defendants for the relief of declaration of the alleged sale deed existing in respect of the property in S.F.No.382/1A2 as null and void and also for the relief of Permanent Injunction thereby restraining the Defendants from taking water from the suit borewell, in respect of the property in S.F.No. 382/1A2. This being so, the parties to the above two suits are one and the same and the suit property in both the suits are in relation to the same and the connected property. This apart, the primary issues which are to be decided in both the suits are common and the evidence to be adduced both oral and documentary are largely identical in both suits.

**13)** Therefore, this Court is of the view that allowing separate trials for these two suits would result in significant waste of 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 law and fact. Hence, this Court finds that a joint trial is convenient and necessary to ensure a fair and effective trial. Hence, this Court is inclined to allow this petition, in the interest of justice.

**Result:**

In the result, with the above observations, this petition for joint trial is allowed. The parties are hereby directed to proceed with the trial of this suit. 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 16<sup>th</sup> day of February 2026.

**Additional District Munsif,  
Kulithalai.**

Petitioners side witnesses and documents - **Nil.**  
Respondents side witness and documents - **Nil.**

**Additional District Munsif,  
Kulithalai.**