

**I.A.No.10/2024**

**in**

**O.S.No.2/2013**

**D.D.20.03.2025.**

Order Pronounced.

This application has been filed by the petitioner/2<sup>nd</sup> defendant stating that when the present suit is pending, the 1<sup>st</sup> plaintiff and his legal heir Rathinakumar and legal heirs of one Sowrnathammal were joined together filed a suit in O.S.No.30/2024 with regard to this suit property and other properties which are not added in the suit property for partition.

2. When 2 suits are pending, the parties and the properties are one and the same and both the suits has to be tried together, the parties will finally found a solution and therefore, he seeks for joint trial and the present suit is filed in the year 2013 and the suit in O.S.No.30/2024 is filed in the year 2024 and according to the respondent, the said suit is in the stage of service of summon to the defendants. It will take time for the plaintiff in the suit to add all the defendants to the suit and have

file the written statement and for the case to be heard together for trial. On the other hand, this suit is of the year 2013 and therefore, the same cannot be clubbed together. Further they also contended that their grandmother had relinquished her share in the suit item Nos.2 and 3 of the properties mentioned in O.S.No.30/2024 and thereby the plaintiffs herein did not claim any share in the property and hence they have not added those properties in the present suit. However, the 1<sup>st</sup> plaintiff Rajappa was having a share in the 2<sup>nd</sup> and 3<sup>rd</sup> items of the properties mentioned in O.S.No.30/2024 as heir of Mariyammal through his wife Rajam. Therefore, he has filed the suit for partition including the 2<sup>nd</sup> and 3<sup>rd</sup> items of the property which is not added as the suit property in the present suit.

3. The 1<sup>st</sup> and 2<sup>nd</sup> item of the properties in O.S.No.30/2024 alone is shown as suit property in the present suit and other properties

were not added as the plaintiff did not claim any share in it. The suit property in both the suits are not one and the same and claim for partition is on different stand. Further, the suit in O.S.No.30/2024 is in the stage of service of summon and bring the suit for trial will take considerable time and till then the suit in O.S.No.2/2013 cannot be kept in abeyance from further proceedings. If both the suits are tried jointly together and then it will only delay the trial in the present suit which is of more than 10 years. Therefore, there are no merits in the present petition and same is hereby dismissed.

4. In the result, this petition is dismissed. No cost.

Principal District Judge,  
Perambalur.