

TNPB010003362024



IN THE COURT OF PRINCIPAL DISTRICT JUDGE,
PERAMBALUR, STATE OF TAMILNADU.

Present: Dr. L.S. Sathiyamurthy, M.A., M.L., Ph.D.,
Principal District Judge, Perambalur.

Friday, this the 7th day of August, 2026.

I.A.No.9/2026
in
O.S.No.8/2024

Sekar, 57/24,
S/o. Ramasamy.

.... Petitioner/Defendant.

- VS -

Velusamy, 65/24,
S/o. Periyasamy.

.... Respondent/Plaintiff.

This petition came up for the final hearing on 04.08.2026 in the presence of Thiruvallargal.K.R.Sivam and P. Ramkumar, Advocates appeared for the petitioner and Thiruvallargal.T.Sundarabarathi, P. Thangadurai and M.A. Chinnappa, Advocates appeared for the respondent and upon hearing both side and considering the connected records and having stood over till this day for consideration, this Court made the following...

ORDER

This is a petition u/Ss.10 and 151 of CPC to try the suit in O.S.No.8/2024(Present

suit on hand) along with the Criminal Appeal No. /2026 to be filed soon, by the petitioner herein, against the judgment in C.C.No.63/2023, dated 18.06.2026 delivered by the learned Judicial Magistrate No.I, Perambalur.

2. The sole defendant in the suit is the petitioner herein.

3. He has filed this petition u/Ss.10 and 151 of CPC for simultaneous trial of the suit in O.S.No.8/2024 along with Criminal Appeal No. /2026 to be filed soon.

4. The essential facts for the disposal of this petition are that the petitioner herein had faced it trial in the suit in O.S.No.8/2024 filed by the respondent herein for the recovery of amount due under a pronote dated 27.04.2022. His defence in the suit was that the plaintiff/respondent herein had no financial capacity to pay the amount and the promissory note is a forged one. There is also a case in C.C.No.63/2023 filed u/S.138 of N.I.Act, 1881 in which the petitioner herein is the respondent and it was disposed off on merits by the learned Judicial Magistrate No.I, Perambalur on 18.06.2026. The petitioner herein was found guilty for the offence U/S.138 of N.I. Act, 1881 and the conviction and sentence are suspended by an order of this Court in CrI.M.P.No.659/2026, dated 01.08.2026. The condition imposed upon the petitioner herein to deposit 20% of the cheque amount within 4 weeks from the date of order is yet to be complied with. At this juncture, the petitioner herein have come forward with this petition u/S.10 CPC.

5. The respondent/plaintiff has filed a counter inter alia with the details of his case and the stage of the suit. The respondent has also opposed this application on the ground that a civil suit cannot be tried along with criminal case. The respondent also contended that the petitioner is not interested in the disposal of the case on merits and it is an attempt to prolong the proceedings. He prayed for dismissal of this petition.

6. The point for determination is *whether a civil suit and the criminal appeal to be filed soon by the petitioner can be tried simultaneously as per Section 10 CPC?*

7. Heard, the learned counsels appearing for the petitioner and respondent.

8. Perused the records and read the averments in the proof affidavit, petition and counter.

9. As stated supra, the petitioner herein is the respondent in the present suit for recovery of amount due under a pronote. He had already filed the written statement and in pursuance of it, issues are also framed. Trial of the suit was commenced on 20.02.2025 and 3 witnesses examined on the side of the plaintiff. Two documents also marked. The petitioner herein as the defendant in the suit examined as Dw1. After completion of the evidence, the plaintiff and the defendant have also submitted their arguments as early as on 23.07.2026. Thus, the trial was terminated and the case was posted for pronouncement of judgment. At this stage, the petitioner has come forward with this present petition u/S.10 CPC.

10. As stated supra, the present petition on hand, has been pressed into service after the termination of trial and just a day prior to the pronouncement of judgment. The relief sought in the petition is that the suit in O.S.No.8/2024 which was posted for pronouncement of judgment to be tried simultaneously along with Criminal Appeal No. /2026 to be filed by the petitioner.

11. The petitioner found guilty and convicted in a case in C.C.No.63/2023 u/S.200 Cr.P.C. by the learned Judicial Magistrate No.I, Perambalur on 18.06.2026. He filed an

appeal before this Court along with the petition in CrI.M.P.No.659/2026 for suspension of sentence. This Court has allowed the petition on condition to deposit the 20% of the cheque amount within 4 weeks from the date of order. The petitioner has not yet complied with the direction of this Court and the appeal also not taken on file.

12. Under the circumstances, it is not known how a criminal appeal to be filed soon can be tried along with the suit in O.S.No.8/2024 in which the trial was already terminated.

13. This Court read Section 10 CPC which empowers a civil court to stay a suit in which the matter in issue is also directly and substantially in issue in a previously instituted suit between the same parties. As per Section 10 CPC only a suit can be dealt with and no criminal appeal to be filed in near future will be tried along with the suit in which the trial was already terminated. Further, a criminal appeal cannot be brought under the jurisdiction of civil court as it is barred u/S.9 CPC.

14. The petition filed u/S.10 CPC to try the suit in O.S.No.8/2024 in which the trial was already terminated and posted for judgment along with Criminal Appeal No. /2026 to be filed in future by the petitioner is devoid of merits and deserves dismissal. The point is decided accordingly.

15. In the result, this petition is dismissed with costs.

Dictated to the Executive Assistant, taken by her in short hand, transcribed and typed by her in computer, corrected and pronounced by me in open Court, this the 7th day of August, 2026.

Principal District Judge,
Perambalur.

Petitioner's side witness and documents:- Nil

Respondent's side witness and documents:- Nil

Principal District Judge,
Perambalur.

PDJ Court,
Perambalur.

Fair/Draft Order
I.A.No.9/2026
in
O.S.No.8/2024
D.D: 07.08.2026.