

DMC ARAKKONAM 1 IA.No.02 of 2025 IN OS.13/2017
IN THE COURT OF DISTRICT MUNSIF ARAKKONAM RANIPET
DISTRICT

PRESENT:- Selvi.A.AMEENA.,BBA.,LLB(Hons)

DISTRICT MUNSIF, ARAKKONAM

Monday the 15th day of December 2025

IA.No.02 of 2025

IN

OS.No. 13 of 2017

(CNR - TNRP080000132017)

V.Vinayagam

---Petitioner/Plaintiff

(vs)

P.Venkatesan

---Respondent/Defendant

This petition is coming for final hearing before me on 26.11.2025 in the presence of Mr.C.Mathinirai Selvan counsel appearing for Petitioner/plaintiff. Mr.R.Saravanan counsel appearing for Respondent. On perusal of entire case records having stood over for consideration till this day, this court has delivered the following:-

ORDER

The petition is filed under section 151 of CPC to order of joint trial O.S.No.13/2017 and O.S.No.38/2018 or any other order as this Hon'ble court may deem and proper in the circumstances of the case.

1.Brief Averments of petition:

1.1. The petitioner herein and the 2nd defendant in the above suit and he is stating for petitioner and the other defendant. The above suit filed by the plaintiff for declaration and permanent injunction against the suit property of the plaintiff. The fact is that the suit property is comes under the exchanged deed dated 23.01.2008. In

the suit property bearing survey No.77A/2, both the plaintiff and the 2nd defendant of the above suit as well as in O.S.No.38 of 2018 were got right and title over the survey number property along with joint patta No.545. Hence, it is necessary to trial the suit jointly for the interest of justice.

2.Brief Averments of Counter:

2.1. The respondent states that in O.S.No.38 of 2018 is now in the stage of Advocate commissioner report and plan. The advocate commissioner did not inspect the suit property till date. But the above suit is now for in trial stage. Hence two suits are in different stages. It is not possible to take joint trial of O.S.No.13/2017 and O.S.No.38/20185. The petitioner filed this application is only to drag on the proceedings. Therefore prays to dismiss the above application with cost.

3.Points for consideration:

Whether this petition is to be allowed or not?

On the side of petitioner no oral evidence was examined and no documents were marked. On the side of respondent no oral evidence was examined no exhibits were marked.

4.Discussion and findings:

4.1. Heard both sides. Perused the records. The case of the petitioner is that the suit is filed by the plaintiff for declaration and permanent injunction against the suit property. Suit property is comes under the exchanged deed dated 23.01.2008 bearing survey No.77A/2, both the plaintiff and the 2nd defendant of the above suit as well as in O.S.No.38 of 2018 got right and title over the survey number property along with joint patta No.545. Hence, prays for joint trial. Whereas the contention of the respondent is that O.S.No.38 of 2018 is now in the stage of Advocate commissioner report and plan. The advocate commissioner did not inspect the suit property till date. But the above suit is now in trial stage. Hence two suits are in different stages. It is not possible to take joint trial of O.S.No.13/2017 and O.S.No.38/20185.

4.2. Upon perusal of rival submission this is of opinion that the parties of this suit is same as that of the suit O.S.No.38 of 2018 and also the survey number is same.

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This suit is filed for declaration of title and O.S.No.38 of 2018 is filed for permanent injunction though the respondent argues that the extension for which the suit is filed differs this court is of considered view that to reduce the conflict of the decisions in both suits joint trial is necessary and however it will not prejudice the rights of the respondent. Hence, in interest of justice this court is inclined to allow this petition. No cost.

Dictated to typist directly, typed in his computer, corrected and pronounced by me in the Open Court on this the 15th day of December 2025.

District Munsif,
Arakkonam.

Petitioner side witnesses and Exhibits:- NIL

Respondent side witnesses and Exhibits :- NIL

District Munsif,
Arakkonam.