

In the Court of Subordinate Judge, Aruppukottai
Present : Thiru. A.Pasumpon Shunmugiah, B.A.B.L., LL.M.,
Subordinate Judge, Aruppukottai.

I.A.No.3/2021 in O.S.No.94/2020

Wednesday, the 6th Day of April 2022

1. Ramarasu
 2. Sakthidevi ... Petitioners/Defendants

/ Vs/

1. Kalimuthu
 2. Ramamoorthy
 3. Lakshmanamoorthy
 4. Palanimurugan
 5. Panchavarnam ... Respondents/Plaintiffs

This Application came up for final hearing before me on 09.03.2022 in the presence of Thiru. K.M.Vijayakumar, Thiru. D. Sankaran Advocates for the Petitioners/Defendants and Thiru. R.N.Balasubramanian, Advocate for the Respondents/Plaintiffs and upon hearing the arguments on both side and upon perusing the records, having stood over till this date for my consideration, this Court passed the following

ORDER

1. This Application is filed by the Petitioners/Defendants Under Section 151 CPC for joint trial.

2. **Brief averments of Petition** :-

Both parties and properties in O.S.No.94/2020 and O.S.No.86/2021 are one and the same, hence joint trial is necessary. Hence, this application has to be allowed.

3. **Brief averments of Counter**:-

To defeat the justice and to make fraud, this application is filed. Hence, this application is to be dismissed.

4. Point for consideration in this Petition is whether this Petition is to be allowed or not?

5. **Point**:-

Heard both sides. Perused records. Admittedly, Respondents/Plaintiffs have filed I.A.No.2/2021 in O.S.No.86/2021 to stay the suit proceedings u/s.10 CPC. Further, admittedly, both

parties and properties are one and the same in O.S.No.94/2020 and O.S.No.86/2021. Further, there is no reason cited by the Respondents/Defendants as to what kind of prejudice would cause if this petition is allowed and both suits are clubbed together and joint trial is conducted and common judgment is pronounced. Since both parties and properties in both suits are one and the same, this court comes to conclusion that to avoid conflict decisions by the same forum among the same parties with regard to same properties, joint trial is to be allowed as prayed by the Petitioners.

6. In the result, this application is allowed. No cost.

Dictated to the Stenographer and transcribed and typed by her in the computer and after correction, this Order is pronounced by me in the Open Court this the 6th day of April 2022.

Subordinate Judge,
Aruppukottai.

Witnesses examined on the side of the Petitioners, Respondents: Nil

Documents marked on the side of the Petitioners, Respondents:- Nil

Subordinate Judge,
Aruppukottai.