

IN THE COURT OF THE DISTRICT MUNSIF, DHARAPURAM

Present : Ms. Mathivathani Vanangamudi, B.A.,L.L.M.,

District Munsif, Dharapuram

(On this the 1st day of June 2023, Friday)

I.A.No.01/2023

O.S.No.387/2016

Rupa

...Petitioner/Plaintiff

..Vs..

1. Janakiraman

2. Mercy

...Respondents/Defendants

This petition came up before me on 21.04.2023 for the final hearing in the presence of Mr.B.Kalaicheliyan, B.Com.,B.L., M.L., Mr.S.Abirami, B.A., B.L., G.Sivakumar. B.B.A., B.L., and A.Bragatheeswar, B.A., B.L., the advocates for petitioner and Mr.V.Sivaraj, B.Sc., B.L., and Mr.Elango, B.Com.,B.L., the Advocates for respondents, upon perusing the affidavit, petition, counter and upon hearing the arguments advanced by both side, having stood over till this day for consideration, this court deliver the following.

ORDER

The petition has been filed by the petitioner/plaintiff under section 151 CPC .

1. The brief averments of the affidavit filed by the petitioner:

This petition is filed by the petitioner/plaintiff seeking for order of simultaneous trial in OS.No.387/2016, OS.No.405/2016, OS.No.433/2016, OS.No.358/2017 and OS.No.386/2016. This suit is filed by the petitioner against the respondents for the relief of

declaration and permanent injunction. It is stated that all the above suits are filed for same suit property and so in order to avoid multiplicity of proceedings of the cases should be tried simultaneously. Hence this petition.

2. The brief averments of the Counter filed by the 1st Respondent:

It is stated that OS.No.422/2016 is posted for framing of issues, OS.No.405/2016 is pending at notice stage, OS.No.358/2017 and OS.No.386/2017 is posted for trial. In the above 5 case including the petitioner and respondents other parties are also contending the suit. This petition is filed in order to delay the proceedings and there is no merits in this petition. Hence prayed for the dismissal.

3. Heard the petitioner. Not oral or documentary evidence was placed on both sides.

4. The point for consideration in this petition is,

Whether the petitioner is to be allowed or not?

5. Discussion :

On perusal, Admittedly this suit is filed by the petitioner for the relief of declaration and permanent injunction. On verification this court can see that OS.No.387/2017 is pending for trial, OS.No.387/2016, OS.No.405/2016, OS.No.422//2016, OS.No.358/2017 are pending for trial and OS.No.386/2016 was disposed as compromised before Lok Adalat on 09.12.2017 itself. It is observed that the suit properties are all one and the same but the parties to the suit are different. In OS.No.358/2017 trial already commenced and pending for marking of documents. This court is of the opinion that as already trial commenced in one case and parties to the suits and not one and the same and so simultaneous trial cannot be order.

In the result, the petition is dismissed. No costs.

Dictated by me to steno typist, typed by him, checked and corrected and pronounced by me in open court on 01.06.2023.

Sd/- **Ms. Mathivathani Vanangamudi**
District Munsif,
Dharapuram.

Petitioner and Respondents side witnesses: - Nil

Petitioner and Respondents side Exhibits : - Nil

Sd/- **Ms. Mathivathani Vanangamudi**
District Munsif,
Dharapuram.