

Dinesh vs Sellapan

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Court : Chennai Orders

Decided On : Mar-02-2026

Judge : Honourable Mrs.Justice T.V.Thamilselvi

Appeal No. : CRP/4411/2025

Appellant : Dinesh

Respondent : Sellapan

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-03-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI and
CMP.No.22562 of 2025

1. Dinesh

S/o Late Ramu, Res at Door No.32/1, Kabilarmalai Road, Paramathi Post, Velur Taluk, Namakkal District 2.Mahesh S/o Late Ramu, Res at Door No.32/1, Kabilarmalai Road, Paramathi Post, Velur Taluk,

Namakkal District Petitioner(s) Vs

1. Sellapan

S/o Malaiyappa Gounder, Res at Door No.2/362/1, Valayapatti Main road, Rasipalayam Post, Mohanur Taluk, Namakkal District Respondent(s) PRAYER Civil Revision Petition filed under Article 227 Constitution of India, prays to set aside the final order passed in IA.No. 4 of 2024 in OS.No.74 of 2022 dated 02.06.2025 on the file of the Special Court for Trial of Cases Registered Under SC/ST(POA) Act, Namakkal. For Petitioner(s): Deepanuday Vengadesh Durairaja V.k For Respondent(s): M.Saravanakumar M.Bakiyalakshmi E.Parthiban For Sole Respondent

ORDER

The petitioners have filed this petition to set aside the final order passed in IA.No. 4 of 2024 in OS.No.74 of 2022 dated 02.06.2025 on the file of the Special Court for Trial of Cases Registered Under SC/ST(POA) Act, Namakkal.

2. Challenging the impugned order passed in I.A. No. 4 of 2024 in O.S.No. 74 of 2022, the defendant has filed the present revision.

3. Before the Trial Court, the defendant filed a petition under Section 151

CPC seeking a joint trial of O.S. No. 99 of 2021 along with O.S. No. 74 of 2022, both pending before the Special Court for trial of cases registered under the SC/ST (POA) Act, Namakkal. The said application was allowed by the learned Trial Judge on the ground that the disputed properties in both suits are one and the same and that the parties are close relatives. Aggrieved by the same, the plaintiffs in O.S. No. 74 of 2022 has preferred this revision.

4. The learned counsel for the revision petitioner contended that the survey numbers mentioned in both suits are entirely different. Therefore, the

order passed by the learned Trial Judge, without taking note of this material

fact, is erroneous and liable to be set aside.

5. Per contra, the learned counsel for the respondent submitted that in both suits the original survey number was 171/A, which was subsequently subdivided. Hence, the issues involved in both suits relate to the same original

survey number and arise out of a common source of title. Therefore, the order

passed by the learned Trial Judge requires no interference.

6. Admittedly, during the pendency of the cross-examination of PW1, the

defendant filed the application seeking a joint trial. It is also admitted that the original survey number in both suits was 171/A, measuring an extent of 6.64 acres, derived from a common owner as per the genealogy. The parties are legal heirs of the original owner. In such circumstances, a joint trial would avoid conflicting findings and is just and necessary. Hence, the order passed by the Trial Court does not warrant interference.

7. It is further submitted that one of the respondents is aged about 70

years and that there has been lack of cooperation during the trial. Both parties are directed to cooperate with the Trial Court for expeditious disposal of the suits. The learned Trial Judge is directed to dispose of the cases within a period of four months from the date of receipt of a copy of this order.

8. In view of the above, this Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no

order as to costs.

02-03-2026 Index:Yes/No

Speaking/Non-speaking order

Internet:Yes Neutral Citation:Yes/No rri To 1.The Special Court for Trial of Cases Registered Under SC/ST(POA) Act, Namakkal. 2.The Section officer, VR Section, High Court of Madras, Chennai. T.V.THAMILSELVI J. rri 02-03-2026

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