



WEB COPY

A No. 1512 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A No. 1512 of 2026

in

CS NO. 410 OF 2018,

S.Selvakumar

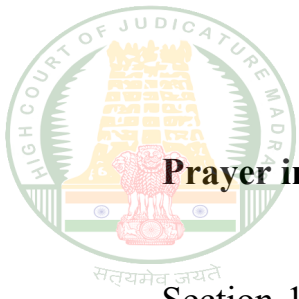
Proprietor of the M/s.Selvarangam Hospital, 37,
Block-C, Anna Nagar East, Chennai-600 102.

..Applicant(s)

Vs

1. Dr.A.B.Selvarangan (Deceased)
No.37, Block-C, Anna Nagar East, Chennai-600 102.
2. I.S.Balasubramani,
No.37, Block-C, Anna Nagar East, Chennai-600 102.
3. V.S.velayutham,
No.36, I Block,4th Street, Anna Nagar East,
Chennai-600 102.
4. S.Savithri,
E.51, 3rd Street,Anna Nagar East, Chennai-600 102.
5. B.Srilekha
No.37, Block-C, Anna Nagar East, Chennai-600 102.
6. Mrs.Rajalakshmi
W/o.Late Dr.A.B.Selvarangan, No.37, Block-C,
Anna Nagar East, Chennai-600 102. (The 6th
Defendant are brought on record at LR's of
Deceased 1st Defendant as per order dated
19.04.2022 in A.No.683 of 2022)

..Respondent(s)



Prayer in A No. 1512 of 2026:

Petition filed under Order XIV Rule 8 of O.S.Rules read with under Section 151 of CPC, praying to direct to that CS.No.410 of 2018 be delinked from CS No.521 of 2018.

For Applicant(s):	Mr.S.Namasivayam
For Respondent(s):	Mr.K.P.Hemanth Kumar for R1 Mr.R.Munusamy for R2 Mr.Avinash Wadhwani for RR3 to 5 Mr.S.Giritharan for R6

Order

The application in A.No.1512 of 2026 has been filed by the plaintiff in C.S.No.410 of 2018 under Order XIV Rule 8 of the Original Side Rules read with Section 151 of the Code of Civil Procedure, seeking to delink C.S.No.410 of 2018 from C.S.No.521 of 2018.

2. The applicant submits that the two suits concern different properties, parties, causes of action and reliefs and that their joint trial would enlarge the scope of the respective proceedings and further delay suits instituted in the year 2018. The contesting respondents rely upon the order dated 12.02.2026, by which it was directed that C.S.Nos.410 and 521 of 2018 be tried jointly.

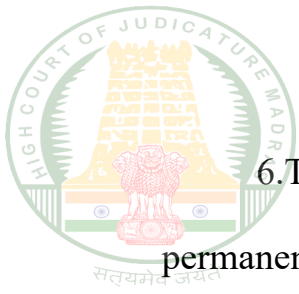
3. In the counter-affidavit, the fourth respondent contends that the present application is not maintainable, as the orders dated 09.09.2020 and 12.02.2026



have already directed that C.S.Nos.410 and 521 of 2018 be tried jointly. It is further contended that there is no subsequent change in circumstances or error apparent warranting modification of those orders; that the connected suits among the family members arise out of the same dispute; that C.S.No.521 of 2018 was not delinked by the order dated 06.03.2025; and that the order dated 07.06.2024 merely directed separate serial listing for administrative convenience. The respondent also asserts that the parties and properties are common and that the application has been filed to delay the trial.

4. By order dated 09.09.2020, C.S.Nos.410, 645 and 521 of 2018 were directed to be tried jointly. C.S.Nos.288 of 2018 and 785 of 2015 constituted a separate batch. C.S.No.645 of 2015 was subsequently delinked by order dated 21.08.2023. Issues have since been framed in the individual suits and the proceedings have progressed at different stages.

5. Consolidation or joint trial is a matter of procedure intended to avoid duplication of evidence, conflicting findings and unnecessary expense. In ***Chitivalasa Jute Mills v. Jaypee Rewa Cement, (2004) 3 SCC 85***, the Hon'ble Supreme Court held that consolidation is warranted where the suits arise from substantially the same transactions, involve substantially common issues and require substantially the same oral and documentary evidence.

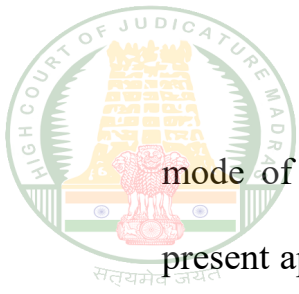


6. Tested on the above principles, C.S.No.410 of 2018 is a suit for permanent injunction restraining interference with the plaintiff's possession and running of Selvarangam Hospital at the hospital premises described in its schedule. Its adjudication principally concerns the plaintiff's asserted right to conduct the hospital and the alleged acts of interference by the defendants.

7. C.S.No.521 of 2018, on the other hand, concerns the property at E-51, 3rd Street, Anna Nagar East, Chennai. The reliefs sought therein are recovery of possession, past and future damages for use and occupation and an injunction against alienation or encumbrance. The parties are also not identical. Significantly, the comparative statement filed by defendants 3 to 5 itself records the different properties and distinct reliefs involved in the two suits.

8. Thus, the determination of C.S.No.410 of 2018 would not conclude the questions arising in C.S.No.521 of 2018, or vice versa. The material evidence required in the two suits is substantially different. Separate trials, therefore, do not present any real likelihood of conflicting decrees. A joint trial would instead require parties who are not common to both suits to participate in evidence unrelated to them and would impede, rather than advance, the expeditious disposal of the proceedings.

9. The direction contained in the order dated 12.02.2026 was one regulating the



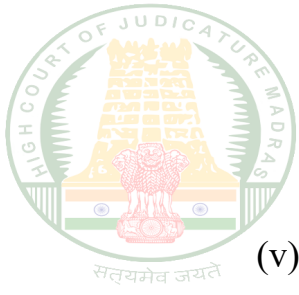
mode of trial. It did not adjudicate any substantive right of the parties. The present application requires the Court to reconsider that procedural arrangement upon a direct comparison of the pleadings, suit schedules, issues and stages of the two suits. No common evidence has been recorded pursuant to the said direction and no prejudice or accrued substantive right is shown to result from separate trials. The Court retains control over the conduct of a pending trial and may modify a case-management direction when its continuation would defeat the very object for which it was made.

10. In these circumstances, compelling a joint trial merely because the litigants belong to the same family would cause avoidable delay and would not serve the ends of justice. The order dated 12.02.2026, insofar as it directs a joint trial of C.S.Nos.410 and 521 of 2018, is accordingly modified prospectively.

11. A.No.1512 of 2026 is **allowed** on the following terms:

(i) C.S.No.410 of 2018 shall stand delinked from C.S.No.521 of 2018 and shall proceed independently;

(ii) the Registry shall list C.S.No.410 of 2018 separately before the appropriate learned Master for recording of evidence, without awaiting the progress of C.S.No.521 of 2018;

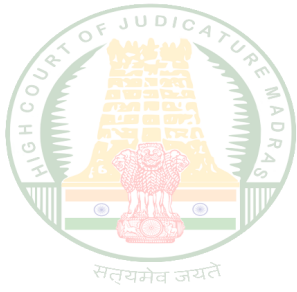


(v) the learned Master shall endeavour to complete the recording of evidence in C.S.No.410 of 2018 as expeditiously as possible.

(vi) There shall be no order as to costs. Consequently, the connected applications shall be listed separately in the suit to which they relate.

06-08-2026

JRS



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A No. 1512 of 2



DR.A.D.MARIA CLETE J.

JRS

**A No. 1512 of 2026
in
OA NO. 727 OF 2018
and CS NO. 410 OF 2018**

06-08-2026