

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 03RD DAY OF JULY 2018

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A.NOs.3978 and 3989 of 2018

in
T.O.S.No.28 of 2010

In the matter of Indian
Succession Act XXXIX of 1925
And

In the matter of Last Will
and Testament of
V.R.Ramakrishnan (Deceased)

1.M.R.Kandasamy (Deceased)
S/o.of V.Ramasamy,
No.60, Magajir Road,
St.Thomas Mount, Chennai.

2. K.Karthikeyan,
Maiyu Nathapuram,
Nenmeni Post, Sathur Taluk,
Virudhu Nagar District.

(amended per the order date on 19.08.2016
made in Appln No.3886/2016 the 2nd Respondent
in O.P.8/2009 transposed as 2nd Plaintiff in
TOS 28/2010 as per order made on 19.08.2016)
in Application 3886/2016.

...Applicants/Plaintiffs

-Vs-

Amirthammal @ R.Rama Amirtham
W/o.Late V.R.Ramakrishnan,
Maiyur Nathapuram,
Nenmeni Post, Sathur Taluk,
Virudhu Nagar District.

(The name of the 1st Defendant amended as per order dated
01.09.2014 made in memo in T.O.S.No.28 of 2010 and time
is 'extended to carry out the amendment as per order
Dated 09.09.2014)

...Respondent/Defendant

A.NOs.3978 and 3989 of 2018:

1.M.R.Kandasamy (Deceased)
S/o.of V.Ramasamy,
No.60, Magajir Road,
St.Thomas Mount, Chennai.

2. K.Karthikeyan,
Maiyu Nathapuram,
Nenmeni Post, Sathur Taluk,
Virudhu Nagar District.

:Applicants

-Vs-

1.Amirthammal @ R.Rama Amirtham
W/o.Late V.R.Ramakrishnan,
Maiyur Nathapuram,
Nenmeni Post, Sathur Taluk,
Virudhu Nagar District.

2.P.Perumalsamy,
S/o.PothiNayakkar,
Mayurnathapuram,
Sattur Taluk, Virudhunagar District

3.K.Saravanan,
Door No.46, Second Street,
Anandham Nagar,
Ramapuram, Chennai 600 089.

4.Sub Registrar,
Sub Registrar Office,
Sattur Town, Virudhunagar District.

: Respondents

A.NO.3978of 2018:

Application praying that this Hon'ble Court be pleased to grant an order of Interim Stay in proceedings of Suit O.S.No.50 of 2017 on the file of the District Munisif Court at Sattur, pending and disposal of the Transfer Application.

A.NO.3989 of 2018:

Application praying that this Hon'ble Court be pleased to withdraw O.S.No.50 of 2017 from the file of the District Munsif Court at Sattur and transfer O.S.No.50 of 2017 to be tried along with T.O.S.No.28 of 2010 pending before this Hon'ble Court.

This Application coming on this day before this court for hearing, the court made the following order:

These applications have been filed to withdraw O.S.No.50 of 2017 from the file of the District Munsif Court at Sattur and transfer O.S.No.50 of 2017 to be tried along with T.O.S.No.28 of 2010 and to grant an order of interim stay in proceedings of Suit in O.S.No.50 of 2017.

2.The suit itself is filed for declaration and injunction in respect of the suit properties, which is the subject matter of the Will and the subject matter of T.O.S.28 of 2010. It is admitted by both sides that T.O.S.No.28 of 2010 is posted for defendant side evidence and only the suit in O.S.No.50 of 2017 has been filed at Sattur Court and the same is posted for filing written statement.

3.In view of the same, the O.S.No.50 of 2017 which is pending before the District Munsif Court at Sattur, need not be transferred at present. The applicant can very well file an application under Section 10 of Civil Procedure Code for stay of the above proceedings in O.S.No.50 of 2017.

4. Accordingly, these applications stand dismissed. The parties are directed to expedite T.O.S.28 of 2010, so that the evidence shall be completed within one month.

5. List the matter on 09.07.2018.

Sd/.N.S.K.J

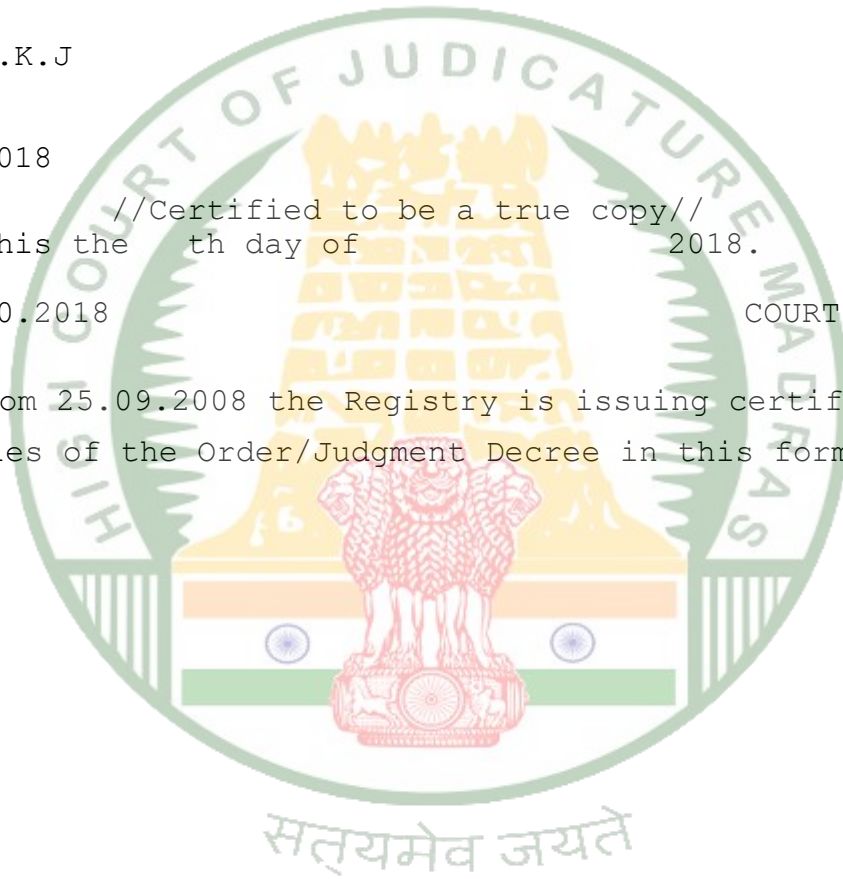
03.07.2018

//Certified to be a true copy//
Dated this the th day of 2018.

DL/15.10.2018
OFFICER

COURT

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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