

A.No.657 of 2016
in C.S.No.73 of 2016

K.KALYANASUNDARAM, J.

This application has been filed seeking permission to join the causes of action and file the suit for declaration and partition.

2. Mr.V.G.Suresh Kumar, learned counsel for the applicant / plaintiff would submit that the suit has been filed for declaration to declare the settlement deed executed in favour of the defendants as null and void. If the plaintiff succeeds in the suit, she is entitled for partition and hence, instead of filing two separate suits, this application has been filed to avoid multiplicity of litigation.

3. Mr.Ravichandran Sundaresan, learned counsel for the respondents / defendants would submit that this application is not at all necessary and if the application has causes of action, they can very well maintain the suit. It is further contended that this application ought to have been filed even before numbering the suit. Hence, the application cannot be entertained.

4. It is seen from the records that the suit has been filed for declaration and partition. As rightly contended by the learned counsel for the applicant that if the plaintiff succeeds in the suit, she is entitled for partition. Hence, in my considered opinion, this application is maintainable and therefore, it is ordered.

Post after two weeks for filing draft issues.

pvs

17.09.2019

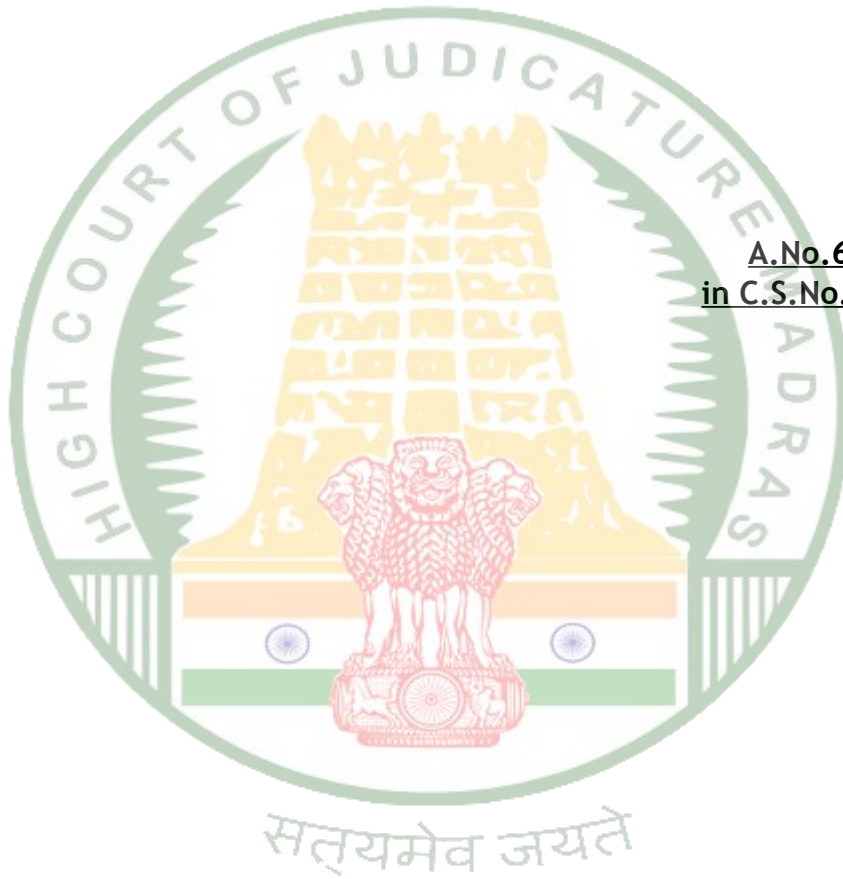


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