

A.No.752 of 2018
in
TOS.No.12 of 2018

R.SUBRAMANIAN, J.,

This application seeks transfer of the suit in OS.No.33 of 2016 pending on the file of Sub-Court, Chengalpattu to be tried along with TOS.No.12 of 2018.

2. The Original Petition in OP.No.386 of 2017 filed seeking grant of Letters of Administration for the Will said to have been executed by the deceased Mr.Vivek Vijayakumar on 9th March 2014 was converted into Testamentary Original Suit and numbered as TOS.No.12 of 2018, in view of the objections raised by the respondent for grant of Letters of Administration.

3. It is seen from the records that the respondent has already filed a suit in OS.No.33 of 2016 seeking partition and separate possession of her share in the properties left behind by her husband late Mr.Vivek Vijayakumar.

4. The case of the plaintiff in the suit is that the settlement deed executed by her husband in favour of his mother/ applicant herein as well as the Will are not genuine documents. The genuineness or otherwise of the Will or the settlement deeds will have to be decided only after trial.

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dsa

5. The limited question that arise in this Transfer Application is as to whether there is a possibility of conflicting judgments, if these two proceedings are allowed to go on independent to each other.

6. In my considered opinion there is a possibility of conflicting judgment if these two proceedings are allowed to go on independently. If this Court grants Letters of Administration and the learned Sub-Judge finds that the Will is not true, definitely, there will be a confusion. Hence, I am convinced that these two proceedings will have to be taken up together for disposal.

7. Hence, the suit in OS.No.33 of 2016 on the file of the Principal Sub-Court, Chengalpattu is withdrawn to the file of this Court for joint trial with TOS.No.12 of 2018. The evidence shall be recorded in the suit.

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