

A.No.8939 of 2019
in
T.O.S.No.31 of 2017

K.KALYANASUNDARAM, J.

This application has been filed to withdraw and transfer the suit in O.S.No.4213 of 2019, which is pending on the file of the XVIII Additional City Civil Court, Chennai to this Court to be tried along with T.O.S.No.31 of 2017.

2. According to the applicant, O.P.No.330 of 2017 was filed for grant of letters of administration in respect of the Will dated 14.07.2004 and the original petition was converted into T.O.S, in view of the caveat filed by the respondents. It is further stated that the respondents have now filed a suit in O.S.No.4312 of 2019 against the applicant for partition of the suit properties.

3. It is the case of the applicant that the parties and the subject matter of properties involved in both the proceedings are one and the same and in order to avoid multiplicity of proceedings, both the suits have to be tried together.

4. The respondents have filed a detailed counter and opposing the application by contending that in the suit written statement was already filed and it is now posted for trial and only protract the proceedings, this application has been filed.

5. Heard Mr.P.Anbarasan, learned counsel for the applicant, Mr.N.R.Anantha Ramakrishnan, learned counsel for the respondents and perused the materials available on record.

6. It is not in dispute that the findings in the testamentary proceedings will have a bearing on the issue to be decided in the partition suit and to avoid contradictory decision and also to avoid multiplicity of proceedings both the testamentary proceedings and the suit have to be tried jointly. Accordingly, this application is ordered.

सत्यमेव जयते

26.11.2019

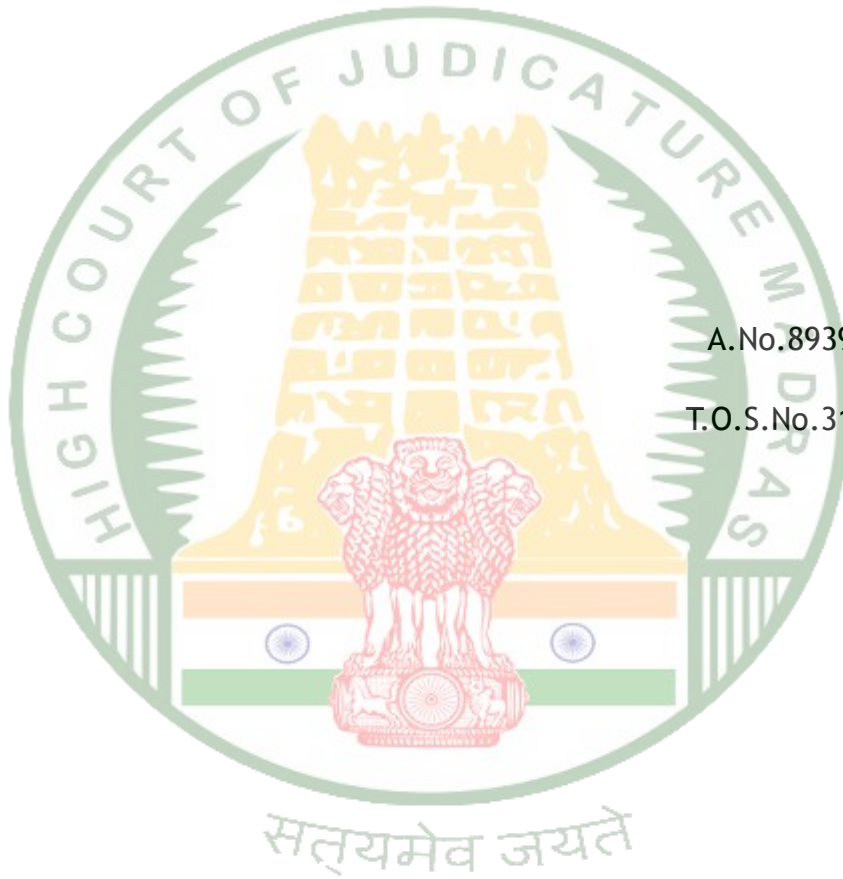
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