

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 27TH DAY OF FEBRUARY 2020

THE HON'BLE MR.JUSTICE M.SUNDAR

A.NO.808 OF 2020
IN
C.S.NO.305 OF 1999
and
A.NO.809 OF 2020
IN
T.O.S.NO.29 OF 2004

A.NO.808 OF 2020
in
C.S.No.305 of 1999:

MRS.V.R.SUMATHI
W/O.LATE SIR RAMESH KUMAR,
NO.32-A AKBAR SAHIB STREET,
TRIPPLICANE,
CHENNAI-600 005.

..Applicant/Plaintiff

-VS-

Mr.G.SUDARSHAN
NO.69,GOVINDAPPA NAICKEN STREET,
GEORGE TOWN, CHENNAI-600 001.

..Respondent/Defendant

-VS-

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This application praying that this Hon'ble Court be pleased to :

To have joint trial in all the proceedings,

1.O.P.No.215 of 1999 Filed by Defendant and Converted as

T.O.S.NO.29 of 2004

2. O.P.No.761 of 2000 Filed by Plaintiff and Converted as
T.O.S.NO.32 of 2001

(Will of Late Mrs.G.Varalakshmi Ammal Mother of the Plaintiff and
Defendant)

3. O.P.No.317 of 1998 Converted as T.O.S.No.3 of 1999

(Will executed by the Father of the Plaintiff and Defendant).

A.No.809 of 2019

in

T.O.S.No.29 of 2004:

In the matter of Indian Succession
Act,XXXIX of 1925,

and

In the matter of the Last Will
and Testament of G.Kanniah Chetty -
Deceased

G.SUDARSAN
NO.69,GOVINDAPPA NAICKEN STREET,
GEORGE TOWN, CHENNAI-1.

..Applicant/Plaintiff

-VS-

MRS.V.R.SUMATHI
NO.32-A AKBAR SAHIB STREET,
TRIPPLICANE,
CHENNAI-600 005.

.. Respondent/ Defendant

This application praying that this Hon'ble court be pleased to try all cases viz TOS.NO.29 of 2004, C.S.No.305 of 1999, TOS.No.3 of 1999 and TOS.No.32 of 2001 together jointly by recording common evidence in all the above four Cases.

These application coming on this day before this court for hearing the court made the following order:

This common order will dispose of both these applications. There two main matters, namely 'C.S.No.305 of 1999' (hereinafter 'senior suit' for clarity) and 'T.O.S.No.29 of 2004' (hereinafter 'junior suit' for clarity).

2. To be noted, junior suit i.e, T.O.S.No.29 of 2004 was originally O.P.No.215 of 1999 and on contest, the Original Petition was converted into TOS. As far as instant applications are concerned, while A.No.808 of 2020 has been taken out by the plaintiff in the senior suit, A.No.809 of 2020 has been taken out by the plaintiff in the junior suit i.e., T.O.S.No.29 of 2004, but the prayer in both these applications is the same. In sum and substance, the prayer is for a joint trial of senior and junior suits.

3. It is submitted by Mr.N.Nagu Sah, learned counsel on record for applicant, Mr.T.Srikrishna Bhagavt, learned counsel representing the counsel on record for respondent in unison that a testament becomes extremely significant for a decision in the senior/junior suits owing to which it is not only desirable, but imperative and inevitable that both the suits are tried together.

4. In the light of common submissions made by both sides, it follows that there is no dispute or contest in both applications. In the light of joint request, the prayers in both the applications are acceded to and both applications are ordered as prayed for.

Sd/.M.S.J.
27.02.2020

//Certified to be a true copy//
Dated this the day of 2020.

su/02.03.2020

COURT OFFICER

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

सत्यमेव जयते
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