

A.No.3049 of 2021
in
TOS.No.9 of 2019

R.SUBRAMANIAN, J.

The applicant seeks transfer of the suit in O.S.No.6114 of 2016 filed by her on the file of the XXIII Additional City Civil Court, seeking partition and separate possession of her 1/5th share in the suit properties. During the pendency of the said suit, the mother of the applicant one Mrs.P.Vijayalakshmi has filed an original petition in O.P.No.673 of 2018, which, on opposition has been converted into TOS.No.9 of 2019, seeking letters of administration for the Will dated 12.05.10997. The said proceeding is pending before this Court.

2.The applicant seeks transfer of the partition suit to be tried along with the above Testamentary Original Suit. The issues in both the proceedings are essentially intertwined. The proof of the Will would disentitle the plaintiff in the suit or share in the estate of the father. If the Will is held to be not proved, then the plaintiff in the suit would be entitled to a share. If these proceedings are tried separately, there is a possibility of conflicting judgments also.

R.SUBRAMANIAN, J.

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3.Hence, this application is allowed, the suit in O.S.No.6114 of 2016 is withdrawn to this Court to be tried along with TOS.No.9 of 2019.

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09.09.2021



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