



A.No.101 of 2023 in C.S.No.657 of 2012
and C.S.No.657 of 2012 & C.S.Nos.485, 486 & 487 of 2015

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N.SESHASAYEE, J.,

There are three principle characters who claim title to the whole or part or a block of property: they are Vimala Devi, Dhanabakyam and Meenakshiammal. Both Vimala Devi and Meenakshiammal are dead. Vimala Devi's son is Sridhar.

2. Claiming to be in possession of the property, Vimala Devi had laid two suits viz., O.S.No.4071 of 1999 and O.S.No.4794 of 1999 before City Civil Court, Chennai for bare injunction to protect her possession against Dhanabakyam. Meenakshiammal on her part has laid a similar suit against Vimala Devi. All the suits have since been transferred to this Court and now pending in C.S.No.485 of 2015, C.S.No.486 of 2015 and C.S.No.487 of 2015. When these suits were transferred sometime in 2015 or thereabouts, the trial of these suits had commenced. Joint trial was ordered in those suits by the City Civil Court, and Sridhar (Vimala Devi's son) was being examined as P.W.1. In fact, his cross-examination is under way. What the transfer of these three suits had achieved is to halt the cross-examination by seven years.

3. In the meantime, Sridhar has laid a comprehensive suit for declaration of title and for certain allied ancillary reliefs in C.S.No.657 of 2012. This suit was



listed before learned Master for trial. Sridhar had also filed his affidavit of chief-examination in C.S.No.657 of 2012.

4. A clarification is now sought by the defendants why the present application in A.No.101/2023 in C.S.657 of 2012 to sustain the earlier order of joint trial ordered by the City Civil Court and to tag the present suit along with them.

5. The counsel for the plaintiff in C.S.No.657 of 2012 submitted that the said suit is for declaration of title, whereas the rest of the suits transferred from City Civil Court, are for bare injunction.

6. The injunction suits cannot hang in isolation, since the Court necessarily may have to decide the legality of the possession, which will be again transferable to the title claimed by the plaintiff in C.S.No.657 of 2012. Therefore, to avoid confusion to letting in evidence and also to avoid conflicting decision, this Court decides to consolidate all the four suits now. The evidence will continue to be recorded in Tr.C.S.Nos.485, 486 & 487 of 2015, and the affidavit of chief examination filed by the plaintiff in C.S.No.657 of 2012 is directed to be treated as an additional affidavit to chief-examination.

7. The application is accordingly disposed of. The learned Master is now



required to make necessary endorsements in the testimony, and all the documents required to be filed in support of the additional affidavit is now directed to be taken on record, will be received in evidence and the cross-examination of the witness will resume once this procedure is complete.

Post the matter before learned Additional Master II on 02.02.2023.

23.01.2023

ds



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ds

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