



WEB COPY

C.R.P.No.1368 of 2024

In the High Court of Judicature at Madras

Reserved on : 02.8.2024	Delivered on : 08.8.2024
------------------------------------	-------------------------------------

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Civil Revision Petition No.1368 of 2024
& CMP.No.7353 of 2024

1.Dayalan Naidu
 2.D.Harish
 3.D.Rajesh
 4.Priya Madhuvrata, rep.
 by its power of attorney
 Dr.C.S.Jayachandran

...Petitioner

Vs

1.C.Vasanth Kumar
 2.Champalatha

...Respondents

PETITION under Article 227 of The Constitution of India praying to set aside the fair and decretal order dated 29.2.2024 in I.A.No.2 of 2023 in O.S.No.581 of 2022 on the file of the Fourth Additional District Court, Tiruvallur at Ponneri.

For Petitioners : Mr.P.H.Aravind Pandian, SC for
 Mr.C.V.Shailandhran

For Respondents : Mr.Sarath Chandran for
 Mr.P.Chandrasekhar



C.R.P.No.1368 of 2024

ORDER

WEB COPY

This civil revision petition has been filed under Article 227 of The Constitution of India against the fair and decretal order dated 29.2.2024 in I.A.No.2 of 2023 in O.S.No.581 of 2022 on the file of the Fourth Additional District Court, Tiruvallur at Ponneri (for brevity, the Trial Court) dismissing the application filed by the petitioners under Order VII Rule 11 of the Civil Procedure Code (CPC).

2. Heard the learned Senior Counsel appearing on behalf of the petitioners and the learned counsel appearing on behalf of the respondents.

3. The respondents filed the said suit on the ground that they are entitled to the suit schedule properties by virtue of a Will dated 10.4.1980 executed by their paternal aunt - one Mrs.Mythili, W/O Chakrapani Naidu. They sought for a relief of declaration to declare certain documents as null and void and for a preliminary decree for partition to divide the suit schedule properties and to allot (i) one half (1/2) share in the suit A & C schedule properties; and (ii) two third (2/3) share in the suit B schedule property, in their favour.



C.R.P.No.1368 of 2024

4. In the said suit, the petitioners, who are the defendants, filed I.A.No.2 of 2023 for rejection of plaint under Order VII Rule 11 of the CPC mainly on the ground that there was no cause of action for the respondents/plaintiffs to maintain the said suit and that the reliefs sought for by them were barred by the law of limitation.

5. The Trial Court, on considering the rival contentions, came to the conclusion that the issues raised by the petitioners would require further consideration during trial since they were mixed questions of fact and law. Consequently, the application filed by the petitioners/defendants has been dismissed by the impugned order. Aggrieved by that, the petitioners are before this Court by filing this revision petition.

6. On 31.7.2024, this Court heard the learned counsel on either side in detail and upon considering the grounds that were taken by both sides, this Court formulated some queries for both sides to answer and passed the following order :

"This Court carefully heard Mr.P.H. Aravindhpanthian, learned Senior Counsel appearing on behalf of the petitioners and Mr.S.Sarath Chandran, learned counsel appearing on behalf of respondents 1 and 2.



WEB COPY



C.R.P.No.1368 of 2024



WEB COPY



C.R.P.No.1368 of 2024

2. The respondents 1 and 2 are the plaintiffs in the suit filed in O.S.No.581 of 2022. It is the specific case of the plaintiffs that Bhakthavatchalu Naidu was owning large extents of land at Ponneri Taluk. He had two sons named Chakrapani Naidu and Dayalan Naidu. All the 3 decided to partition the properties and consequently, registered a Partition Deed dated 29.03.1959. Under this Partition Deed, 'A' Schedule property was allotted to Bhakthavatchalu Naidu, 'B' Schedule property was allotted to Chakrapani Naidu and 'C' Schedule property was allotted to Dayalan Naidu. 'D' Schedule property was agreed to be retained in common to be enjoyed by both the sons of Bhakthavatchalu Naidu.

3. The plaintiffs in the present suit are the nephew and niece of Mythili who is the wife of Chakrapani Naidu. They claimed that Mythili executed a registered Will on 10.04.1980 bequeathing the entire estate of Chakrapani Naidu in their favour.

4. Upon hearing the learned counsel appearing on either side and on carefully perusing the records, this Court wants clarification from the learned counsel for the respondents 1 and 2/plaintiffs on the following issues:

(a) Was any step taken by the plaintiffs to obtain probate of the will dated 10.04.1980 and if so, what is the stage of the proceedings. If probate proceedings are pending, will any useful purpose be served in prosecuting the suit in O.S.No.581 of 2022?

(b) Chakrapani Naidu will be entitled to the 'B' schedule property under the Partition Deed dated 29.03.1959 and common rights in the 'D' schedule property. Therefore, Mythili who is the wife of Chakrapani Naidu could have inherited only those



WEB COPY



C.R.P.No.1368 of 2024

properties allotted to Chakrapani Naidu on his demise. Does the properties shown in the suit schedule in O.S.No.581 of 2022 include any other properties other than what was allotted to Chakrapani Naidu under partition deed dated 29.03.1959?

(c) The 2nd respondent/2nd plaintiff has already instituted a suit in O.S.No.189 of 2020 claiming for half share in the property based on the Will dated 10.04.1980. Whether the properties shown in that suit are the same properties that are shown in the present suit also in O.S.No.581 of 2022?

(d) While disposing of C.R.P.No.2954 of 2021 by order dated 28.04.2023, this Court directed all the interested parties to be impleaded in that suit in O.S.No.189 of 2020. While that suit is pending, how can the present suit filed in O.S.No.581 of 2022 be parallelly prosecuted?

(e) The genuineness or otherwise of the Will dated 24.08.1979 executed by Chakrapani Naidu in favour of the 2nd and 3rd defendants, the Will dated 27.12.1983 executed by Bhakthavatchalu Naidu in favour of defendants 2 to 4 and the sustainability of the Will dated 10.04.1980 executed by Mythili in the favour of the plaintiffs, will be dealt with in O.S.No.189 of 2020. The respective claims made by the parties ultimately boils down to these 3 Wills. That apart, insofar as the 1st defendant Dayalan Naidu is concerned, he derives his right from Partition Deed dated 29.3.1959, wherein, he was allotted 'C' schedule property and the common right in 'D' schedule property. Under such circumstances, why should the court permit parallel prosecution of the suit in O.S.No.581 of 2022? and

(f) Chakrapani Naidu predeceased



WEB COPY



C.R.P.No.1368 of 2024

Bhakthavatchalu Naidu on 08.03.1980. Mythili also predeceased Bhakthavatchalu Naidu on 19.09.1980. Bhakthavatchalu Naidu died only on 07.07.1985. If the suit properties in O.S.No.581 of 2022 are not covered by the Will dated 10.04.1980 executed by Mythili who purportedly inherited the properties from her husband Chakrapani Naidu, on the demise of Chakrapani Naidu and Mythili who admittedly did not have any issues, will their branch come to an end, since Bhakthavatchalu Naidu was alive when both of them predeceased?

5. In so far as the clarifications that are required from the learned Senior Counsel appearing on behalf of the petitioners, the following queries shall be answered:

(a) By virtue of the order passed in C.R.P. No.2954 of 2021 dated 28.4.2023, the scope of the suit in O.S.No.189 of 2020 has been expanded. Therefore, why can't the present suit in O.S.No.581 of 2022 also be tried along with O.S.No.189 of 2020 pending before the same Court viz., IV Additional District and Sessions judge, Tiruvallur?

(b) If ultimately the plaintiffs are claiming their rights under the Will pertaining to the properties said to have inherited by Mythili, wife of Chakrapani Naidu, even if the reliefs that have been sought for declaring certain documents as null and void is barred by limitation, how can it prevent the plaintiffs from claiming the relief of partition. This issue gains significance since the relief of partition is not governed by the law of limitation and it can be independently considered based on the right claimed by the plaintiffs through Will dated 10.4.1980? and

(c) Even assuming that the present suit is an abuse of process of court, can it be a ground for rejection of plaint under Order VII Rule 11 of C.P.C., or



WEB COPY



C.R.P.No.1368 of 2024

whether it can only be tried as a preliminary issue before the Trial Court? Useful reference can be made to the judgments in R.Arumugam vs. PR.Palanisamy reported in 2013 (1) MWN Civil 531, P.Shyamala vs. Ravi reported in 2015 (3) CTC 259 and A.Kaleur Rahman and others vs. P.Kannan and others reported in 2019 (2) MWN Civil 689.

6. The above clarifications raised by this Court shall be addressed by the learned counsel appearing on either side.

7. Post this case on 02.08.2024 at 2.15 p.m."

7. This Court has bestowed its attention to the submissions of the learned counsel on either side and perused both the materials available on record as well as the impugned order passed by the Trial Court.

8. There is no dispute that one Mr.Bakthavachalu Naidu was owning large extent of lands at Ponneri Taluk and he had two sons namely one Mr.Chakrapani Naidu and one Mr.Dayalan Naidu. There is also no dispute with regard to the fact that all the three of them decided to partition the joint family properties and consequently, they executed a partition deed dated 29.3.1959 among themselves. By virtue of the said partition deed dated 29.3.1959, A schedule property was allotted to the said Mr.Bakthavachalu Naidu; B schedule property was allotted to the said Mr.Chakrapani Naidu; and C schedule property



C.R.P.No.1368 of 2024

was allotted to the said Mr.Dayalan Naidu. However, D schedule property was agreed to be retained in common to be enjoyed by both the said Mr.Chakrapani Naidu as well as the said Mr.Dayalan Naidu.

9. The plaintiffs in O.S.No.581 of 2022 are claiming right over the suit schedule properties by placing strong reliance only on the Will dated 10.4.1980 executed by the said Mrs.Mythili, W/O the said Mr.Chakrapani Naidu, bequeathing the entire estate of the said Mr.Chakrapani Naidu inherited by her, in their favour. In the absence of the Will dated 10.4.1980, the plaintiffs will not have any say in the suit schedule properties or any other property belonging to the family of the said Mr.Bakthavachalu Naidu. In other words, the plaintiffs will have to stand or fall based on their proving the Will dated 10.4.1980 executed in their favour by the said Mrs.Mythili, W/O the said Mr.Chakrapani Naidu.

10. This Court has taken into account certain important facts to understand as to how the plaintiffs are developing a cause of action to claim various reliefs in O.S.No.581 of 2022 relating to the suit properties. This exercise has become more relevant since the second plaintiff in O.S.No.581 of 2022 - Mrs.Champalatha filed the earlier suit in O.S.No.189 of 2020 against the first plaintiff - Mr.C.Vasanthkumar



C.R.P.No.1368 of 2024

on the file of the same Court seeking for the relief of partition and this suit was also filed based on the Will dated 10.4.1980. The properties that were shown in the schedule to O.S.No.189 of 2020 have not been included in the schedule to the present suit in O.S.No.581 of 2022. Further, in O.S.No.189 of 2020, a consent decree was passed on 22.10.2021 and this decree became the subject matter of challenge before this Court in C.R.P.No.2954 of 2021 filed by defendants 2 and 3 in the present suit namely Mr.D.Harish and Mr.D.Rajesh.

11. The said civil revision petition was dealt with in detail and a learned Single Judge of this Court found that both the plaintiffs namely the respondents herein have breached the rule of fairness, that they attempted to gain advantage through judicial process by keeping away those, who would be affected by it by not impleading them and that such an attempt was made by making use of an unprobated Will. In the light of these findings, the said civil revision petition was allowed by order dated 28.4.2023 in the following terms :

"23.1 In conclusion, this revision is allowed. The judgment and decree dated 22.10.2021 passed in O.S.No.189 of 2020 on the file of IV Additional District Court, Thiruvallur at Ponneri, is set aside.

23.2 This Court suo motu impleads the revision petitioners as defendants 2 and 3 in O.S.No.189 of 2020 on the file of IV Additional District Court, Tiruvallur at



WEB COPY



C.R.P.No.1368 of 2024

Ponneri, along with their father Dayalan as the 4th defendant. The trial court is also required to ascertain all those who would be a successor-in-interest to the estate of Chakrapani in the absence of any of the Wills disclosed so far in this case, and is directed to implead them as well. Once it is done, the newly impleaded defendants are required to file their written statement, whereupon the trial Court is required to dispose of the suit on merits, uninfluenced by any of the observations made against the respondents in this order, and in accordance with law. Both sides are entitled to all the procedural rights available to them in prosecuting or defending the suit, as the case may be."

12. Pursuant to the above order, the earlier suit in O.S.No.189 of 2020 stood revived and it is now pending before the Trial Court. The properties that were dealt with in O.S.No.189 of 2020 were exclusively claimed to be the properties of the said Mr.Chakrapani Naidu. Those properties are not the subject properties in the present suit in O.S.No.581 of 2022.

13. Having rendered this finding, it must be clarified as to what properties have now been made as the subject matter in the present suit in O.S.No.581 of 2022 and its genesis.

14. The suit properties in the present suit have been described



C.R.P.No.1368 of 2024

in A Schedule, B Schedule and C Schedule. In so far as A schedule properties are concerned, those are the properties, which are traceable to the said Mr.Bakthavachalu Naidu and his son - the said Mr.Dayalan Naidu is claiming right over those properties.

15. It is relevant to point out that the four daughters of the said Mr.Bakthavachalu Naidu filed a suit in O.S.No.22 of 2011 on the file of the Principal District Court, Tiruvallur against their own brother - the said Mr.Dhayalan Naidu (now pending on the file of the Trial Court) seeking a decree (i) for partition of 4/5 shares in the suit properties, (ii) for a permanent injunction and (iii) for rendition of proper accounts. In that suit, they took a stand that those properties belonged to the joint family. Further, they specifically denied the execution of the Will dated 24.8.1979 by the said Mr.Chakrapani Naidu in favour of defendants 2 and 3 in the present suit. They also denied the execution of the Will dated 27.12.1983 by the said Mr.Bakthavachalu Naidu in favour of defendants 1 to 3 in the present suit.

16. The plaintiffs in the present suit are claiming right over those properties on the ground that if, ultimately, the properties are held to be coparcenary properties, a share would devolve on the said



C.R.P.No.1368 of 2024

Mrs.Mythili, W/O the said Mr.Chakrapani Naidu by way of a notional partition upon the death of the said Mr.Chakarapani Naidu and in turn, that share would devolve upon the plaintiffs in the present suit under the Will dated 10.4.1980 executed in their favour.

17. In so far as the present suit C schedule property is concerned, previously, a suit was filed in O.S.No.10 of 1979 on the file of the Subordinate Court, Tiruvallur (old O.S.No.51 of 1972 on the file of the Subordinate Court, Chengalpet) by the said Mr.Dayalan Naidu against (i) the said Mr.Bakthavachalu Naidu, (ii) the said Mr.Chakrapani Naidu, (iii) one Mrs.Kannammal, who is none other than the wife of the said Mr.Bakthavachalu Naidu and (iv) the said Mrs.Mythili, W/O the said Mr.Chakrapani Naidu seeking for the relief of partition and separate possession of 1/3 share. The B schedule property in O.S.No.10 of 1979 is relatable to the C schedule property in the present suit in O.S.No.581 of 2022. Ultimately, O.S.No.10 of 1979 was decreed on 27.6.1983 and a preliminary decree was passed for partition of 1/3 share in each of the schedule of properties.

18. The plaintiffs in the present suit are claiming that by virtue of the said preliminary decree dated 27.6.1983 in O.S.No.10 of 1979, 1/3rd share has been allotted to the said Mr.Chakrapanai Naidu and



C.R.P.No.1368 of 2024

that this right would devolve upon his wife - the said Mrs.Mythili, who, in turn, executed the Will dated 10.4.1980 in favour of the plaintiffs in the present suit. Accordingly, they are claiming half share in the present suit C schedule property.

19. That leaves the B schedule property in the present suit. In so far as the B schedule property in the present suit is concerned, it is relatable to D schedule property in the partition deed dated 29.3.1959 whereby the said Mr.Dayalan Naidu and the said Mr.Chakrapani Naidu retained their right in common to be enjoyed by both of them. This right of the said Mr.Chakrapani Naidu devolved upon the his wife - the said Mrs.Mythili, who, in turn, bequeathed it to the plaintiffs in the present suit through the Will dated 10.4.1980.

20. Having traced the genesis of all the three schedule of properties in the present suit, it is quite evident that the schedule of properties as mentioned in the present suit namely O.S.No.581 of 2022 are not the same properties shown in the schedule of properties in O.S.No.189 of 2020.

21. In the present suit in O.S.No.581 of 2022, the petitioners/defendants 1 to 4 filed an application in I.A.No.2 of 2023 for rejection



C.R.P.No.1368 of 2024

of plaint on the ground that there is no cause of action for the plaintiffs to maintain the present suit since, the said Mr.Chakrapani Naidu and the said Mrs.Mythili predeceased the said Mr.Bakthavachalu Naidu and his wife - the said Mrs.Kannammal, that the plaintiffs lost their right and that the plaintiffs, who are claiming their right under the Will dated 10.4.1980 executed by the said Mrs.Mythili, cannot get any right, which was not possessed by the said Mr.Chakrapani Naidu and the said Mrs.Mythili. The other ground that has been raised is that almost all the reliefs that have been sought to declare the documents as null and void, are all barred by limitation provided under Article 58 of the Limitation Act.

22. The various queries that were raised by this Court have already been extracted supra.

23. With regard to the first query as to whether any steps have been taken to get the Will dated 10.4.1980 probated, it has been clarified that O.P.No.742 of 2023 has been filed on the Original Side of this Court by the respondents herein for the grant of probate of the Will dated 10.4.1980, that the said original petition is being contested by the petitioners herein, who filed caveats and lodged their objections and that in view of the same, the said original petition will be



C.R.P.No.1368 of 2024

converted into a testamentary original suit and will be proceeded further in accordance with law.

24. In so far as query Nos.2 and 3 are concerned, this Court has already dealt with the same and it is found that the schedule of properties as mentioned in O.S.No.189 of 2020 are not the same properties as shown in the schedule to O.S.No.581 of 2022. This Court has also taken into consideration the source of right pertaining to the schedule of properties in O.S.No.581 of 2022.

25. In so far as query Nos.4 and 5 are concerned, the properties as well as the reliefs sought for are different in both the suits and they cannot be tried together and at best, they can be tried only simultaneously.

26. In so far as the sixth query is concerned, this Court has already taken note of the suit in O.S.No.10 of 1979, the preliminary decree passed therein and the manner, in which, the plaintiff therein is tracing his right over those properties, which are described as A schedule properties in the present suit.

27. The queries that were posed to the petitioners were answered by the learned Senior Counsel appearing on behalf of the



C.R.P.No.1368 of 2024

petitioners herein in the following manner :
WEB COPY



C.R.P.No.1368 of 2024

(i) For the first query, it was submitted that O.S.No.189 of 2020 relates to the estate of the said Mr.Chakrapani Naidu and the schedule of properties in O.S.No.581 of 2022 are different properties traceable to the said Mr.Bakthavachalu Naidu. Defendants 2 and 3 in the present suit are claiming right over the properties of the said Mr.Bakthavachalu Naidu through the Will dated 27.12.1983 wherein the said Mr.Bakthavachalu Naidu bequeathed those properties in favour of them. Therefore, it was contended that the present suit in O.S.No.581 of 2022 will not go along with O.S.No.189 of 2020 and that the plaint in O.S.No.581 of 2022 has to be rejected.

(ii) For the second query, the learned Senior Counsel appearing on behalf of the petitioners submitted that in so far as the declaratory relief is concerned, the suit is barred by limitation. As regards the relief of partition, it was further submitted that the plaintiffs in the present suit do not have any right and that there is no cause of action to maintain the present suit.

(iii) For the third query, it was contended by the learned Senior Counsel appearing on behalf of of the petitioners that the Apex Court and this Court have consistently held that suits, which are vexatious and which would lead to abuse of process of court, must be struck off by this Court and that the same will fall within the scope of Order VII Rule 11 of the CPC since such a vexatious litigation must not be



C.R.P.No.1368 of 2024

allowed to consume the precious time of the courts. It was further submitted that while dealing with an application for rejection of plaint, the Court must only look into the averments made in the plaint along with the documents that are relied upon and that the defence taken by the defendants can never be looked into while dealing with an application for rejection of plaint.

28. The claim of the plaintiffs in the present suit is based on their right under the Will dated 10.4.1980 executed by the said Mrs.Mythili, W/O the said Mr.Chakrapani Naidu in favour of them. Admittedly, this Will was executed in Chennai and therefore, it requires to be probated. The probate proceedings are also pending on the Original Side of this Court in O.P.No.742 of 2023. The suits filed in O.S.Nos.189 of 2020 and 581 of 2022 pending on the file of the Trial Court are only based on the Will dated 10.4.1980. Till the Will dated 10.4.1980 gets probated, there can never be any progress in the suits that are pending before the Trial Court. This is in view of the fact that an unprobated Will is inadmissible in evidence.

29. The entire case now revolves around (i) the Will dated 24.8.1979 executed by the said Mr.Chakrapani Naidu in favour of defendants 2 and 3 in the present suit, (ii) the Will dated 27.12.1983



C.R.P.No.1368 of 2024

executed by the said Mr.Bakthavachalu Naidu in favour of defendants 1 to 3 in the present suit and (iii) the Will dated 10.4.1980 executed by the said Mrs.Mythili in favour of the plaintiffs in the present suit. The plaintiffs in the present suit have already taken steps to get the Will dated 10.4.1980 probated by filing O.P.No.742 of 2023 before this Court by impleading the petitioners herein and the sisters of the first petitioner herein. As a result, the said original petition will be converted into a testamentary original suit and proceeded further. While undertaking that exercise, the tenability/genuineness and sustainability of all the three Wills will have to be gone into in order to establish the rights of the respective parties claimed under these Wills over various properties. Therefore, the three pending suits in O.S.Nos. 22 of 2011, 189 of 2020 and 581 of 2022 on the file of the Trial Court must necessarily wait for the final decision in O.P.No.742 of 2023 pending on the Original Side of this Court.

30. The learned counsel appearing on behalf of the respondents submitted that those suits can also be transferred to the file of this Court and can be tried along with O.P.No.742 of 2023.

31. This Court is not inclined to transfer the pending suits to the file of this Court. The reliefs sought for in those suits are dependant on



C.R.P.No.1368 of 2024

the final result of pending O.P.No.742 of 2023, which will touch upon the sustainability of all the three Wills involved. If, ultimately, the Will dated 10.4.1980 that is relied upon by the plaintiffs in the present suit is upheld to be genuine, the suits in O.S.Nos.189 of 2020 and 581 of 2022 can be proceeded with by the Trial Court.

32. On the other hand, if the request for probate is rejected, the suits in O.S.Nos.189 of 2020 and 581 of 2022 will automatically fail. In such a scenario, there will be no need to go into the other issues involved in those suits.

33. The reliefs sought for by the plaintiffs in O.S.No.581 of 2022 are depending upon the Will dated 10.4.1980. Even assuming that the declaratory relief sought for may be barred by limitation, the relief of partition is not governed by the law of limitation. Therefore, the plaint cannot be rejected partially on the ground that some of the reliefs cannot be granted. If the plaint is to be rejected, it has to be rejected on the whole. Law on this issue is now too well settled.

34. In so far as the relief of partition is concerned, the plaintiffs in the present suit trace their cause of action for each of the suit



C.R.P.No.1368 of 2024

schedule properties, which have been explained supra. How far it can be sustained is not a matter to be gone into while dealing with an application for rejection of plaint. Necessary averments have been made in the plaint and the relevant documents have also been filed to prima facie sustain the relief of partition sought for by the plaintiffs in the present suit. Therefore, the plaint cannot be rejected on the ground that there is no cause of action for filing the suit.

35. In so far as the ground of abuse of process of court is concerned, the earlier order dated 28.4.2023 passed by the learned Single Judge of this Court in C.R.P.No.2954 of 2021 was heavily relied upon.

36. Even though this Court adversely commented against the plaintiffs in the present suit, ultimately, this Court expanded the scope of O.S.No.189 of 2020 and it has been revived. Therefore, those adverse comments made by this Court against the plaintiffs in O.S.No.581 of 2022, by itself, cannot lead to rejection of the plaint in O.S.No.581 of 2022.

37. Having rendered the above findings, this Court does not want to permit the further proceedings to go on in O.S.Nos.22 of



C.R.P.No.1368 of 2024

2011, 189 of 2020 and 581 of 2022 on the file of the Trial Court namely the Fourth Additional District Court, Tiruvallur at Ponneri till a final decision is arrived at in O.P.No.742 of 2023 pending on the Original Side of this Court, since such simultaneous proceedings before two different forums will certainly lead to multiplicity of proceedings and contradicting orders.

38. The conspectus of the above discussions leads this Court to come to the conclusion that the plaint in O.S.No.581 of 222 is not liable to be rejected at this stage. However, in order to avoid any further confusion and in order to avoid contradicting orders, this Court is inclined to stay all further proceedings in the pending suits.

39. Accordingly, all further proceedings in O.S.Nos.22 of 2011, 189 of 2020 and 581 of 2022 on the file of the Fourth Additional District Court, Tiruvallur at Ponneri shall remain stayed till a final decision is arrived at in O.P.No.742 of 2023 pending on the Original Side of this Court. Depending upon the final decision that would be rendered in O.P.No.742 of 2023, the trial or otherwise of these three pending suits shall be decided. The impugned order dated 29.2.2024 in I.A.No.2 of 2023 in O.S.No.581 of 2022 on the file of the Fourth Additional District Court, Tiruvallur at Ponneri is modified accordingly.



C.R.P.No.1368 of 2024

40. The above civil revision is disposed of in the above terms.

No costs. Consequently, the connected CMP is closed.

08.8.2024

Neutral Citation : Yes

To
The Fourth Additional District
Court, Tiruvallur at Ponneri.

RS



WEB COPY



C.R.P.No.1368 of 2024

N.ANAND VENKATESH,J

RS

C.R.P.No.1368 of 2024
&CMP.No.7353 of 2024

08.8.2024