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**A.No.4610 of 2024 in**  
**C.S.No.238 of 2022 and**  
**O.P.No.89 of 2024**

**RMT.TEEKAA RAMAN, J.**

This application has been filed by the plaintiff in the suit in C.S.No.238 of 2022 for joint trial of the suit in C.S.No.238 of 2022 and O.P No.89 of 2024 (letters of administration) which is pending before the learned Master.

2. In the main suit in C.S.No.238 of 2022, one of the party claims share in the compensation awarded in land acquisition case to the extent of Rs.5,05,00,000/- wherein written statement has been filed stating that full amount has been received by the plaintiff and he has also received the full and final settlement and also disputed the Will. Subsequently, it appears that the defendant had filed A.No.391 of 2023 for rejection of plaint on the ground that the Will relied upon by the plaintiff has not been probated and no letters of administration was granted.

3. By order dated 21.02.2023, this Court dismissed the said Application No.391 of 2023 in C.S.No.238 of 2022 observing that the Letters of Administration / Probate can be taken at any point of time. Thereafter,



issues have been framed. When O.P.No.89 of 2024 was taken up for trial, the contesting defendant has stated that he has no objection for granting letters of administration in favour of the plaintiff. Accordingly, the matter was posted before the learned Master for recording evidence. Therefore, the plaintiff sought for conducting joint trial and since no order has been passed, the present application has been filed.

4. Heard the learned counsel appearing for the applicant/plaintiff as well as the respondent/defendant.

5. In this application, the learned counsel for the respondent/defendant would submit that joint trial cannot be taken because some of the parties are not arrayed as respondents in suit. He would further contend that Letters Of Administration proceedings should not be clubbed with trial of the suit.

6. After hearing the parties and taking note of the defence in the statement, this court is of the view that it is a fit case for conducting joint trial. Accordingly, evidence of the parties may be recorded on the same day however, separate deposition to be recorded by the learned Master in both the cases and the parties are directed to co-operate for the said proceeding.



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7. With the above directions, this application is allowed. Post the matter before the learned Additional Master No.III for recording evidence on 03.10.2024. After recording of the evidence, post the matter before the Court.

18.09.2024

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