



CRP.No.244 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B. BALAJI

CRP.No.244 of 2025
and
CMP.No.1582 of 2025

1. G.Vijaya
 2. T.Meenakshi
- ...Petitioners

Vs.

1. E.Nithya
 2. K.Madanprabhu
 3. R.Parthiban
 4. The Sub Registrar,
Royapuram, Chennai.
 5. C.Thiyagarajan
 6. P.Siva
- ...Respondents

Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 29.11.2024 made in I.A.No.3 of 2024 in O.S.No.119 of 2013 on the file of the XI Assistant Judge, City Civil Court, Chennai.



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For Petitioners : Mr.M.Imthias

For Respondents : Mr.V.M.Venkatramana, for R3
Mr.A.Anandan, GA, for R4
No Appearance, for R1 & R2
Notice not ready, for R6

ORDER

The present revision petition has been filed seeking quashment of the order dated 29.11.2024 made in I.A.No.3 of 2024 in O.S.No.119 of 2013 on the file of the learned XI Assistant Judge, City Civil Court, Chennai.

2. Heard the learned counsel for the petitioners and also the learned counsel for the 3rd and 4th respondents.

3. The petition under Section 10 r/w 151 of CPC was taken out by the revision petitioners in I.A.No.3 of 2024. The suit in O.S.No.119 of 2013 has been filed for declaration of the sale deed executed by the respondents 1 & 2/defendants 1 & 2 in the suit in favour of the 3rd defendant as null and void on the ground that, fraud has been played and



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that on the basis of the forged WILL dated 23.02.2013 and consequent probate obtained in O.P.No.920 of 2005, the property has been dealt with.

4. It is admitted that testamentary original suit in T.O.S.No.10 of 2013 was pending concerning the said WILL dated 23.02.2013 in O.P.No.920 of 2005 (converted as TOS.No.920 of 2005, pursuant to the caveat filed by the interested respondents). It is seen that the said TOS was subsequently dismissed, as against which, an appeal has been preferred in O.S.A.No.28 of 2022 and the said appeal is admittedly pending before the Hon'ble Division Bench of this Court. Only in order to await final decision in O.S. Appeal, an application for stay under Section 10 of CPC was filed.

5. No doubt, as contended by the learned counsel for the 3rd respondent as well as the learned trial Judge, no stay has been granted in OSA.No.28 of 2022. However, the fact remains that the decision in



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OSA.No.28 of 2022 would have a direct bearing on the present civil suit in O.S.No.119 of 2013 which is filed seeking declaration, based on the WILL and Sale deed executed thereupon.

6. In the light of the above, I am inclined to allow this revision petition and accordingly, this Civil revision petition stands allowed and the order dated 29.11.2024 made in I.A.No.3 of 2024 in O.S.No.119 of 2013 is set aside. The suit in O.S.No.119 of 2013 shall stand stayed till final disposal of OSA.No.28 of 2022. It is open to the parties to approach the Hon'ble Division Bench of this Court to seek for expeditious listing and disposal of the said OSA. No costs. Consequently, the connected Miscellaneous petition is closed.

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Index	: Yes / No
Speaking order	: Yes / No
NCC	: Yes / No

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To

1. The XI Assistant Judge,
City Civil Court, Chennai.
2. The Sub Registrar,
Royapuram, Chennai.



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P.B. BALAJI, J.

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