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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2025

CORAM

THE HONOURABLE MR JUSTICE A.A.NAKKIRAN

A.No.593 of 2025

in

CS.No.638 of 2013

Ravindran Selvaraj Samuel
S/o.Thomas Samuel 704-25, Baymills Boulevard
Scarborough, Ontario M1T 3P4 Canada Now At
No.13, Ponnai Lane, Purasawalakam, Chennai 7

Applicant(s)

Vs

Savithiri And 10 Others
No.65/1, Chellappa Mudali St Kosapet, Chennai 12
and 10 Others

Respondent(s)

Prayer in A NO. 593 of 2025: Application filed under Order XIV, Rule 8 of O.S.Rules read with section 151 of C.P.C.,1908 praying to pass an order for Joint trial of TOS.No.13 of 2014 an C.S.No.638 of 2013.

For Applicant : M/s. S. S. Rajesh

For Respondent : Mr.R. Radha Pandian for
R1, R5, R7, R9 and R10
Mr. R. Radha Pandian for R4 and R11



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ORDER

The applicant/plaintiff has filed this application seeking for joint trial of T.O.S.No.13 of 2014 and C.S.No.638 of 2013.

2. Learned counsel for the applicant/plaintiff submitted that the applicant/plaintiff filed C.S.No.638 of 2013 seeking declaration of rights, partition and permanent injunction with respect to property located at Old No.12, New No.65, now bearing Nos.65/1, 65/2 and 65/3 at Chellappa Mudali Street, Kosapet, Chennai 600 012 and also filed O.P.No.777 of 2013 seeking for grant of Letters of Administration with the Last Will and Testament dated 22.02.2002 executed Mrs.Vasanth Samuel. The same was converted into testamentary original suit in TOS.No.13 of 2014. Since both the TOS and CS involve interconnected issues which is to be decided as one and the same in order to prevent conflict findings in both the matters by conducting joint trial.

3. It has been further submitted that conducting two independent trials separately in both the suits would cause the parties unnecessary hardship, duplication of effort and may result in multiplicity of proceedings. Thus, he prayed for conducting joint trial of both the matters.



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4. Per contra, the learned counsel for the respondent submitted that the suit in C.S.No.638 of 2013 is filed for partition, but TOS is filed for grant of Letters of Administration in the same suit schedule property based on the Will of deceased Vasantha Samuel, which was subsequently revoked by a later Will in December 2002. If the above suit is decreed, then the deceased Vasantha Samuel has no right to execute the Will, as a consequence, the applicant/plaintiff cannot make a claim under the Will to be executed by Vasantha samuel. The applicant can either prosecute CS or TOS, but cannot be permitted to prosecute both the suits. As there is no question of conflicting findings in the suit and TOS, both the suits cannot be jointly tried.

5. Heard both sides and perused the materials available on record.

6. On perusal of the records, it is seen that despite the subject matter of both the suits are common, the plaintiff seeks for a partition in the suit property including S.No.65/2 and letter of administration based on the Will for the same property alone in S.No.65/2. Further, even though the plaintiff is the same in both suits, there are 11 defendants in CS, and two defendants in TOS. The plaintiff seeks his claim over the same property in both the cases



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by way of different prayers and it seems that there are inter-linked disputes between the both the parties.

7. In view of the above circumstances, this Court is of the opinion that in order to properly assess and appreciate of the evidence in both suits, it is essential to conduct a simultaneous Trial instead of Joint Trial to meet the ends of justice.

8. Accordingly, this Application is disposed of.

08-04-2025



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A.A.NAKKIRAN, J.

lbm/msr

**Pre-Delivery order made in
A.No. 593 of 2025 in
CS.No.638 of 2013**

08.04.2025