

A Nos.2887 & 2888 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **30-06-2025**

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

A Nos.2887 & 2888 of 2025 in

T.O.S.No.53 of 2024

J.Girija and Another
W/o.Jayanthi Babu, D/o.K.Venkatesan,
No.9/46-L, South Mada Veethi, Padi, Chennai -
600 050. and another

Applicants in both cases

Vs

P.Padmavathy and Another
W/o.V.Prakash, 71/72H, Raja Street, Padi,
Chennai - 600 050. and another

Respondents in both cases

in both cases

For Applicant(s):

M/s. K.V. Subramaniam Associates
Mr.M.A.Abdul Wahab

For Respondent(s):

Mr.TKS.Bharathy Shri

COMMON ORDER

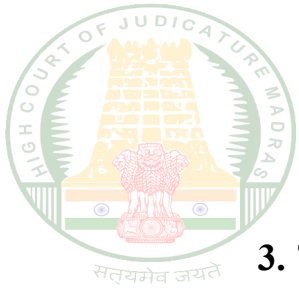
These applications have been filed under Clause 13 of the Letters Patent seeking to withdraw O.S.No.5929 of 2022 now pending on the file of the XI Assistant City Civil Court, Chennai and transfer the same to this Court to be heard along with T.O.S.No.53 of 2024.



A Nos.2887 & 2888 of 2025

WEB COPY

2. The first and second defendants in T.O.S.No.53 of 2024 are the applicants herein. Originally O.P.No.772 of 2023 had been filed by the respondents herein with respect to a Will said to have been executed by Kannammal. On objections raised by the applicants, the Original petition had been converted and registered as T.O.S.No.53 of 2024. The plaintiffs in T.O.S.No.53 of 2024 / respondents herein had independently filed O.S.No.5929 of 2022 which is now pending before the XI Assistant City Civil Court, Chennai seeking a declaration that settlement deeds executed among the applicants herein are null and void and for a permanent injunction restraining the applicants herein from alienating or encumbering the suit property. The parties to the suit and in the Testamentary Original suit are the same and they are litigating in the same capacity. The plaintiffs in T.O.S.No.53 of 2024 assert that a right had accrued to them owing to the Will said to have been executed by Kannammal and placing that right, they had instituted the suit seeking a declaration that the settlement deeds executed among the applicants / defendants in that suit as null and void.



A Nos.2887 & 2888 of 2025

3. The applicants question the execution of the Will and assert their right to execute the settlement deeds. The issues are intermingled and the properties are the same and therefore it would only be appropriate that exercising the power vested under Clause 13 of the Letters Patent, this Court withdraws O.S.No.5929 of 2022 from the file of the learned XI Assistant City Civil Court, Chennai to be transferred to the Original Side of this Court and tried along with T.O.S.No.53 of 2024. The issues may not be directly similar, but the decision in one would have a bearing on the decision to be taken in the latter. Therefore, it is only prudent that the suit is withdrawn and transferred to this Court.

4. Registry to address the Registrar of the City Civil Court, Chennai to transfer O.S.No.5929 of 2022 now pending on the file of XI Assistant City Civil Court, Chennai after properly indexing the records. On transfer, it should be renumbered and let it be listed in the first instance on 21.07.2025. The process of transfer should be completed by then.

5. The applications stand allowed.

30-06-2025

vum



WEB COPY



A Nos.2887 & 2888 of 2025

C. V.KARTHIKEYAN,J.,

vum

To

1. The XI Assistant City Civil Court, Chennai
2. P.Padmavathy and Another
W/o.V.Prakash, 71/72H, Raja Street, Padi, Chennai
- 600 050.
2. V.Vasudevan
S/o.K.Venkatesan, No.40, Pallappan Street, Triplicane, Chennai - 600 005.

**A Nos.2887 & 2888 of 2025 in
T.O.S.No.53 of 2024**

30.06.2025