



A NO. 2609 c



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

A NO. 2609 of 2025

IN

CS NO. 94 OF 2023

Mr.M.R.Venkatesawaralu

S/o Late Shri M.V.Radhakrishnan Ground Floor, Old No.21/New
No.44 Damadara Murthy Road, Kilpauk Chennai -10

Applicant(s)

Vs

Dr.M.R.Bharathi and 9 others

REsiding at 168/169, Vinyaka Layout, Puttanahalli, SN Halli Post,
Yelahanka, Bengaluru - 570064 Temporarily at, F139, Anna Nagar
East, Chennai 102. and 9 Others

Respondent(s)

For Applicant(s):

M/s.M.I.Javid Akbar

A.Arvind Athithan-ms/2775/2015

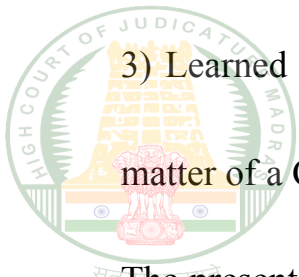
G.Prem Kumar

For Respondent(s):

ORDER

The present application has been filed to grant an order of interim stay of all further proceeding in C.S.No.94 of 2023 on the file of this Hon'ble Court pending disposal of the suit in O.S.No.6050 of 2019 on the file of XVII Addl. City Civil Judge at Chennai.

2) Heard the learned counsels appearing on either side.



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3) Learned counsel for the applicant would submit that since the Schedule-B matter of a Civil Suit in O.S.No.6050 of 2019 in which declaratory relief had been sought for.

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The present suit cannot be proceeded further and therefore, he would submit that the present Suit would have to be stayed till the disposal of the Suit in O.S.No.6050 of 2019. He would further submit that he had earlier filed an application for transfer of the Suit before the City Civil Court to the file of this Court, which had been dismissed by this Court. Hence it has become necessary for him to file the present application.

4) Countering his arguments, the learned counsel appearing for the respondent would submit that there is nothing common in both the Suits that the suit had been filed not only by the applicant but also by all the parties jointly against the third party claiming declaration of title over the property. He would further submit that this court while disposing of the Transfer application had held that there is no necessity to try the Suit pending before the City Civil court along with the Suit and had given a categorical finding that if a party succeeds in a Suit for declaration, then the B Schedule property would be available for division and if failed in the attempt, the B Schedule property would have to be excluded from the partition between the parties. He would submit that the present Application is only to deny the plaintiff and other defendants their rightful share in the property. Hence, he prays this Court to dismiss the Application.



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5) I have considered the rival submissions made on either side and perused placed on record.

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6) It is an admitted case that the B Schedule property in the instant suit is also a subject matter of litigation, where the parties to this suit had sought for a declaration of title against a third party. This Court finding that the said suit may have a bearing on the B Schedule property, had dismissed the application for transfer by holding that there is no common interest between, the parties in the suit and the defendant in the Suit before the City Civil Court. Further, an application to transfer as well as the instant application had been filed much after DW-1 is leading in evidence. This Court is of the view that the applicant herein is attempting to only protract the proceedings in the instant Suit. Hence, the application fails and is accordingly dismissed.

16-07-2025

Gba (2/2)

To

1. Dr.M.R.Bharathi and 9 others

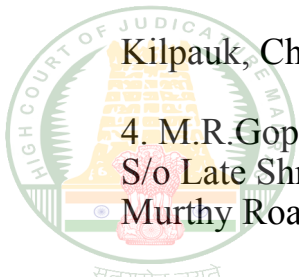
Residing at 168/169, Vinyaka Layout, Puttanahalli, SN Halli Post,
Yelahanka, Bengaluru - 570064 Temporarily at, F139, Anna Nagar East,
Chennai 102.

2. M.R.Geetha

D/o Shri.M.V.Radhakrishnan, Old No.21 New No.44 Damadara Murthy Road,
Kilpauk, Chennai 10

3. M.R.Padmalatha

S/o Shri M.Ravichandran, 1st Floor, Old No.21, New No.44, Damadara Murthy Road,



Kilpauk, Chennai -10

4. M.R.Gopalakrishnan

S/o Late Shri M.V.Radhakrishnan First Floor Old No.21 New NO.44, Damadara Murthy Road, Kilpauk chennai 10

5. M.R.Sujatha Venugopal

Plot No.102, 3rd Cross STreet, GPR Royal, Electronic City Phase II, BEngaluru, Karnataka 560 100.

6. M.V.Pratyusha Venugopal

D/o of Late Shri M.R.Venugopal, Plot No.102, 3rd Cross Street, GPR Royal, Electronic City Phase 2 Bengaluru, Karnataka - 560 100

7. Mr.D.Hema Kumar

S/o.S.Devendran

8. R.Rajeswari

W/o.V.Ramamurthy

9. B.R.Jayaprakash

S/o.V.Ramamoorthy

10. Mr.G.Ramesh

S/o.N.V.Gopal