



CS NO. 907 of 2010

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05-08-2025**

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

A Nos.3301 & 3302 of 2025

in T.O.S.No.73 of 2024

R.Suseela

W/o.Mr.Rajendhran, No.267, 4th Cross Street,
Sridevi Nagar, Thiruverkadu, Chennai - 600
077. and another

Applicants in both the applications

Vs

R.Revathi

W/o.Late Mr.Rajan, No.20, Nehru Street, J B
Estate, Avadi, Chennai - 600 054.

and 2 Others

Respondents in both the applications

In both cases

For Applicant(s):

Mr.G.Murali

For Respondent(s):

Mr.N.Suresh

COMMON ORDER

Both the applications are related to withdrawal of O.S.No.3244 of 2022 now pending on the file of the VI Assistant City Civil Court, Chennai to the file of this Court to be tried along with T.O.S.No.73 of 2024.

2. The plaintiffs in both the suits are the same, the defendants are the same and the subject property is same. However, the suit before the City



WEB COPY



CS NO. 907 of 2010

C.V. KARTHIKEYAN,J.,

vum

Civil Court had been filed seeking permanent injunction restraining the defendants therein incidentally who are also the defendants in the Testamentary Original Suit from interfering with peaceful possession of the plaintiffs. The issues do not overlap.

3. In the Testamentary Original Suit, the plaintiff has to prove the Will in the manner known to law. In the suit before the City Civil Court, the only issue is as to who is in possession of the property. That could be decided independent of the issue to be framed in the Testamentary Original Suit. Hence, I find no ground to transfer O.S.No.3244 of 2022 now pending on the file of the VI Assistant City Civil Court, Chennai.

4. Therefore, these applications stand dismissed.

05-08-2025

(1/3)

vum

**A Nos.3301 & 3302 of 2025
in T.O.S.No.73 of 2024**