



A.No.4100 & 4102 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2025

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

A. Nos. 4100 & 4102 of 2025 in
T.O.S. No. 38 of 2025

M.Muniyandi

...Applicant

Vs.

M.Sekar

...Respondent

For Applicant : Mr.R.Jayaprakash
For Respondent : Mr.R.Raja Ramani

ORDER

A.No.4100 of 2025 has been filed seeking to withdraw the suit in O.S.No.5817 of 2021, now pending on the file of the II Additional City Civil Court, Chennai and transfer the same to this Court to be tried along with TOS No.38 of 2025.

2.A.No.4102 of 2025 has been filed to grant stay in all further proceedings of the suit in O.S.No.5817 of 2021, on the file of the II Additional City Civil Court, Chennai.

3.The plaintiff in TOS No.38 of 2025 is the applicant herein.



A.No.4100 & 4102 of 2025

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The said TOS had been filed relating to a Will said to have been executed by one V.S.Mani. O.S.No.5817 of 2021 had been filed by the defendant in TOS No.38 of 2025 seeking partition and separate possession of the property, which had been bequeathed under the Will. It would only be appropriate that both suits are tried together.

4.O.S.No.5817 of 2021 is at part heard stage. The defendant, M.Muniyandi is in the witness box. The learned counsel for the plaintiff in O.S.No.5817 of 2021/defendant in TOS No.38 of 2025 stated that evidence already recorded in O.S.No.5817 of 2021 may also be taken on record by this Court after the suit is transferred here, but, placed a further caveat that in these two applications various unnecessary allegations have been placed by the plaintiff and on those aspects, permission must be granted to cross examine the plaintiff M.Muniyandi. The defendant is in the witness box in O.S.No.5817 of 2021 and naturally cross examination can be done on every aspect stated by way of an affidavit filed before the Court. That permission is granted.



A.No.4100 & 4102 of 2025

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5.O.S.No.5817 of 2021 is directed to be withdrawn from the file of the II Additional City Civil Court, Chennai and to be transferred to the Original Side of this Court. The evidence already recorded to be continued. The trial in O.S.No.5817 of 2021 to be heard simultaneously with TOS No.38 of 2025. 6.Registry to take necessary steps to transfer the O.S.No.5817 of 2021 now pending on the file of the II Additional City Civil Court, Chennai and transfer the suit to the file of this Court.

6.Both applications stand allowed. After the transfer of the suit, trial to be continued before the learned Additional Master – II. The defendant to appear before the learned Additional Master – II on 15.09.2025.

29.08.2025

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A.No.4100 & 4102 of 2025

C.V.KARTHIKEYAN, J.

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