



A. Nos. 4498 to 4501 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2025

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THE HONOURABLE Dr. JUSTICE R.N.MANJULA

A. Nos. 4498 to 4501 of 2025
in T.O.S. No. 4 of 2025
and T.O.S. No. 4 of 2025

A.No.4498 of 2025:-

1.Balaji
2.Mahesh

...Applicants

Vs.

1.Nirmala
2.Devika

... Respondents

Prayer : This application has been filed under Order XIV Rule 8 of the Original Side Rules read with Clause 13 of Letter Patent read with Section 24 of Code of Civil Procedure, praying to transfer the suit in O.S. No. 2006 of 2019 on the file of the learned I Additional Judge, City Civil Court at Chennai to this Court to be tried along with the Testamentary Original Suit in T.O.S. No. 4 of 2025.

For applicants : Mr.Hethau Ramkumar
for M/s.Rahul Balaji

For Respondents : Mr.K.P.Sasikumar

A.No.4499 of 2025:-

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A. Nos. 4498 to 4501 of 2025

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1.Balaji

2.Mahesh

...Applicants

Vs.

1.Nirmala

2.Devika

... Respondents

Prayer : This application has been filed under Order XIV Rule 8 of the Original Side Rules read with Section 151 of Code of Civil Procedure, praying to stay all further proceedings in O.S. No. 2006 of 2019 pending on the file of the learned I Additional City Civil Court, Chennai, pending disposal of the present application for transfer.

For applicants : Mr.Hethau Ramkumar
for M/s.Rahul Balaji

For Respondents : Mr.K.P.Sasikumar

A.No.4500 of 2025:-

1.Balaji

2.Mahesh

...Applicants

Vs.

1.Nirmala

2.Devika

3.R.Sankaralingam

4.Devi

5.Syed

6.Nazar

7.Nataraj

8.Satish

9.Devaraj

10.Mohan

11.Jayashree

... Respondents

Prayer : This application has been filed under Order XIV Rule 8 of the



A. Nos. 4498 to 4501 of 2025

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Original Side Rules read with Clause 13 of Letter Patent read with Section 24 of the Code of Civil Procedure, praying to transfer the suit in O.S. No. 4789 of 2016 on the file of the learned I Additional Judge, City Civil Court at Chennai to this Court to be tried along with the Testamentary Original Suit in T.O.S. No. 4 of 2025.

For applicants : Mr.Hethau Ramkumar
for M/s.Rahul Balaji

For Respondents : Mr.K.P.Sasikumar

A.No.4501 of 2025:-

1.Balaji

2.Mahesh

...Applicants

Vs.

1.Nirmala

2.Devika

3.R.Sankaralingam

4.Devi

5.Syed

6.Nazar

7.Nataraj

8.Satish

9.Devaraj

10.Mohan

11.Jayashree

... Respondents

Prayer : This application has been filed under Order XIV Rule 8 of the Original Side Rules read with Section 151 of Code of Civil Procedure, praying to stay all further proceedings in O.S. No. 4789 of 2016 pending on the file of the learned I Additional City Civil Court, Chennai, pending disposal of the present application for transfer.



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For applicants : Mr.Hethau Ramkumar
for M/s.Rahul Balaji

For Respondents : Mr.K.P.Sasikumar

COMMON ORDER

Applications Nos. 4498 and 4500 of 2025 have been filed to withdraw the suits in C.S. No. 497 of 2017 which has been re-numbered as O.S. No. 2006 of 2019 pending on the file of the I Additional City Civil Court, Chennai and O.S. No. 4789 of 2016 pending also on the file of the I Additional City Civil Court, Chennai.

2. The suit in O.S. No. 2006 of 2019 has been originally filed by the father of the plaintiffs therein for seeking the relief of partition. Subsequent to the death of the father, some of the defendants in the suit, who are the sons of the deceased father, had taken an application to transpose them as plaintiffs and the said application has been allowed. The defendants in the suit are the daughters of the deceased father. The above suit has been filed to declare that the father of the parties is the



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absolute owner of the suit properties and consequential permanent injunction. The other suit in O.S. No. 4789 of 2016 has been filed by the daughters for seeking partition.

4. A common counter has been filed by the respondents in both the applications, viz., the daughters. Both the Suits in O.S. No. 2006 of 2019 and O.S. No. 4789 of 2016 have been taken up for joint trial and the evidences let in O.S. No. 4789 of 2016.

After the trial was open, PW1 has been examined and Exhibits A1 to A21 were marked. Without cross examining the plaintiffs' side witness (PW1), the applicants have filed these applications to transfer those two suits to the file of I Additional City Civil Court, Chennai in order to try it along with T.O.S. No. 4 of 2025 filed by both the sons.

6. In fact, even before the I Additional City Civil Court, Chennai, on the application filed by these applicants, a joint trial has been ordered



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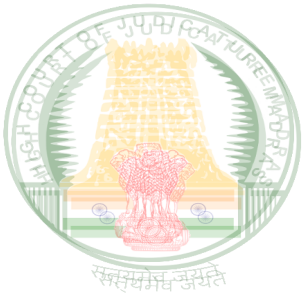
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and the trial is in progress. One of the suits had been originally filed before this Court and that has been transferred to the file of the I Additional City Civil Court, Chennai in consequent to the enhancement of the pecuniary jurisdiction.

7. As the cross-examination of the PW1 has not yet been done, I feel in the interest of justice and also to facilitate the parties to get all the litigations disposed early, the suits pending in OS No. 2006 of 2019 and 4789 of 2016 are ordered to be withdrawn and transferred to the file of this Court in order to try them along with T.O.S. No. 4 of 2025. Since PW1 in O.S. No. 4789 of 2016 has filed a chief in affidavit and the documents have already been marked, even during the joint trial, let common evidence be let in the very same suit. By considering the fact that chief in affidavit already filed in O.S. No. 4789 of 2016 before the I Additional City Civil Court, Chennai the documents can be marked afresh.

8. In view of the above reasons,

(i) Application Nos. 4498 and 4500 of 2025 are allowed



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and the suits in O.S. No. 2006 of 2019 and in O.S. No. 4789 of 2016 pending on the file of the I Additional City Civil Court, Chennai are ordered to be withdrawn and transferred to the file of this Court to be tried along with T.O.S. No. 4 of 2025; and

(ii) Application Nos. 4499 and 4501 of 2025 to stay all further proceedings in O.S. No. 2006 of 2019 and O.S. No. 4789 of 2016 pending on the file of the I Additional City Civil Court, Chennai are dismissed as unnecessary.

(iii) No costs.

19.09.2025

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Dr.R.N.MANJULA, J.
Maya

A. Nos. 4498 to 4501 of 2025
in T.O.S. No. 4 of 2025
and T.O.S. No. 4 of 2025

Dated : 19.09.2025