



WEB COPY

A No. 4607 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2025

CORAM

THE HONOURABLE DR.JUSTICE R.N.MANJULA

**A No. 4607 of 2025
in T.O.S.No.1 of 2007**

1. M.Muthu

S/o.Late Munusamy, NO.42, PULLA
AVENUE, SHENOY NAGAR,
CHENNAI-600 030.

Applicant(s)

Vs

1. M.Selvaraj And 4 Others

42,Pulla Avenue, Shenoy Nagar,
Chennai-30

2.M.Chandran

C 6/8, Ari Scheme, Tnhb - 6th Main
Road, Mogappair West, Chennai-31.

3.Mrs.M.Rajeswari

No.12, Yahyali 1st Street, Teynampet,
Chennai-18.

4.Mrs.M.Ezhilarasi

No.42, Pulla Avenue, Shenoy Nagar,
Chennai-30.

5.B.Gayathri



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No.42, Pulla Avenue, Shenoy Nagar,
Chennai-30.

Respondent(s)

PRAYER: Application is filed to withdraw the Suit in O.S.No.2572 of 2004 from the file of the XVI Asst.City Civil Court, at Chennai and transfer the same to this Court to be tried along with the suit in T.O.S.No.1 of 2007.

For Applicant(s): M/s.S.Ramachandran

For Respondent: Mr.S.D.Ramalingam

ORDER

This application is filed to withdraw the Suit in O.S.No.2572 of 2004 from the file of the XVI Assistant City Civil Court, Chennai and transfer the same to this Court to be tried along with the suit in T.O.S.No.1 of 2007.

2. The learned counsel for the applicant submitted that the suit in O.S.No.2572 of 2004 is connected to the properties involved in T.O.S.No.1 of 2007. The suit in O.S.No.2572 of 2004 has been filed for partition by the plaintiff claiming share in the suit property and in case the above Testamentary Original Suit fails, then the plaintiffs will be entitled to the share in the suit property. So it is claimed by the learned counsel for the plaintiff that it is connected to T.O.S.No.1 of 2007 and it has to be tried along with it.

3. The learned counsel for the respondent / defendant submitted that the



trial in T.O.S.No.1 of 2007 has already been started and date has has been fixed for cross-examining P.W.1 in the earlier order dated 02.09.2025. Despite T.O.S.No.1 of 2007 is been pending from the year 2007 and the suit also said to have been filed in the year 2004, the applicant has chosen to file this application at this belated stage only to protract the proceedings. It is further submitted that the further proceedings in the suit has been stayed until the disposal of T.O.S.No.1 of 2007.

4. Since a date has already been fixed for the defendant to cross-examine P.W.1, who is already in box, let the proceedings in TOS No.1 of 2007 be continued without any further delay. As there is a stay to proceed with O.S.No.2572 of 2004, it will be appropriate for the parties to extend their co-operation for the early disposal of T.O.S.No.1 of 2007.

5. With the above observations this Application is dismissed.

18-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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R.N.MANJULA J.



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