



A NO. 1543 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

A NO. 1543 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

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

For Respondent(s): Mr.Govind Chandrasekar

No appearamce fpr RR4 to 6

R-7 MR.D.HEMA KUMAR S/o.S.Devendran

R-8 R.RAJESWARI W/o.V.Ramamurthy

R-9 B.R.JAYAPRAKASH S/o.V.Ramamoorthy

Mr.R.Damodaran for R10

ORDER

The present application has been filed to withdraw the suit in O.S.No.6050 of 2019 on the file of Additional City Civil Court – XVII, Chennai and transfer the same in C.S.No.94 of 2023 to this Court and try the said suit simultaneously with the present suit.



2. Heard the learned counsels appearing for their respective parties.

3. Learned counsel for the applicant would submit that the suit B-Schedule property is the subject matter of the suit in O.S.No.6050 of 2019 pending on the file of the Additional City

Civil Court – XVII, Chennai. According, to him, the suit therein is a suit for declaration that the plaintiffs therein who are the plaintiffs and the defendants in this suit are the absolute owners of the property which is schedule-B herein and for further relief. Therefore, he would contend that without the said suit being disposed of, the plaint-B schedule property cannot be a subject matter for partition between the parties and therefore, it would be just and necessary to withdraw the said suit to the file of this Court to be tried along with this suit.

4. Learned counsel appearing on behalf of the respondent on the other hand would contend that the said suit does not have anything common in the present suit for to be tried together. It is his further contention that the suit before the City Civil Court is at the stage where the defendant is leading in evidence. Therefore, if the said suit is transferred, it will only delay the proceedings in the said suit. She would further submit that the suit schedule-B property can always be the subject matter of final decree subject to the outcome of the suit. Therefore, prays this Court to dismiss the present application.

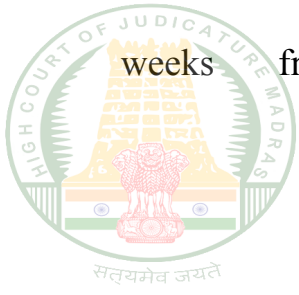


5. I have considered the submissions made by the learned counsels appearing for their respective parties and perused the materials available on record.

6. It is admitted that the B-schedule property in the instant suit is the subject matter of a suit for declaration where the parties in the instant suit had sought for relief against a third party. Admittedly the suit before the City Civil Court is at the stage of defendants evidence. As rightly pointed out by the learned counsel appearing for the respondents that the said suit need not be tried along with the instant suit. If the parties succeed in getting a declaration, then the schedule-B property would be available for division among the parties herein. If they fail in their attempt, then the schedule-B would have to be excluded from partition between the parties.

7. In fine, the present application stands dismissed.

Considering the fact that the suit in O.S.No.6050 of 2019 pending on the file of the Additional City Civil Court – XVII, Chennai has reached the stage where the defendants is letting in evidence, this Court requests the learned Additional City Civil Judge – XVII to dispose of the said suit as expeditiously as possible. However, not later than twelve (12)



weeks from the date of receipt of a copy of 1 der.



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To

1. Dr.M.R.Bharathi

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
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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

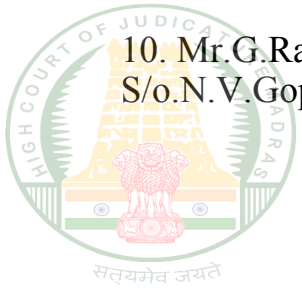
S/o.S.Devendran

8. R.Rajeswari

W/o.V.Ramamurthy

9. B.R.Jayaprakash

S/o.V.Ramamoorthy



10. Mr.G.Ramesh
S/o.N.V.Gopal



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