



CRP.No.5864 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.5864 of 2025 and
CMP.No.29001 of 2025

T.D.Balaji

... Petitioner

Vs.

1. M.H.Nirmala
2. Saraswathi (Died)

...Respondents

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India, praying to call for the records pertaining to order dated 30.10.2025 made in IA.No.13 of 2025 in OS.No.2212 of 2019 on the file of VI Additional Judge, City Civil Court, Chennai and set aside the same.

For Petitioners : M/s.M.I.Javid Akbar

ORDER



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The civil revision petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioner/second defendant seeking stay of the suit under Section 10 of CPC.

2. The 1st respondent/plaintiff filed a suit for partition against the petitioner and his deceased mother/ 2nd respondent. The suit is in the argument stage. At this stage, the petitioner filed instant application seeking stay of the suit on the ground that he filed probate OP in respect of a Will allegedly executed by his father dated 19.03.2006. Admittedly, the probate OP was filed on 15.09.2017 in OP.D.No.33151 of 2017. However, till date, the same is not yet numbered. Therefore, as on date, there is no other suit pending. In such circumstances, the essential ingredient for invoking Section 10 of CPC is not satisfied. Hence, the Trial Court rightly dismissed the application filed by the petitioner on the ground that other suit is not pending as on date. I do not find



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any error in the impugned order passed by the Trial Court. Accordingly, the civil revision petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

20.11.2025

Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes/No

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To

The VI Additional Judge, City Civil Court, Chennai

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S.SOUNTHAR, J.

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