



WEB COPY



C.R.P.No.939 of 2025
and C.M.P.Nos.5413 and 5414 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.939 of 2025
and C.M.P.Nos.5413 and 5414 of 2025

K.Mogiliyal

... Petitioner

VS.

1.S.Venkatesan

2.V.Anandhakumar

3.C.Udhayakumar

4.K.P.Gopi

5.K.Ravi

6.R.Suresh

7.Gopi

8.Ramesh

9.Mohan

10.Munusamy

11.V.Purushothaman

12.H.Rupa

1/8



C.R.P.No.939 of 2025
and C.M.P.Nos.5413 and 5414 of 2025

13.The District Collector,
Collectorate Office,
Sathuvachari,
Vellore – 632 009

14.The Inspector of Police,
Anti Land Grabbing Special Cell,
Vellore – 09.

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 23.04.2024 made in Tr.O.P.No.55 of 2023 on the file of the learned Principal District Court, Vellore District by allowing this Civil Revision Petition.

For Petitioner : Mr.S.Shrish
for M/s.N.Manoharan

For R5 : Mr.M.R.Thangavel

For R12 : Mr.K.A.Ravindran

For R13 and R14 : Mr.N.Muthuvel
Government Advocate

For R3 : Unclaimed

For R6 to R11 : Notice Dispensed with vide Court
order dated 11.12.2025



C.R.P.No.939 of 2025
and C.M.P.Nos.5413 and 5414 of 2025

ORDER

WEB COPY

The Civil Revision Petition is filed challenging the order passed by the Principal District Court, Vellore in Tr.O.P.No.55 of 2023, dated 23.04.2024 dismissing the transfer original petition filed by the petitioner seeking transfer of suit in O.S.No.17 of 2021 filed by the 12th respondent herein from the file of the Sub-Court, Gudiyatham for trial along with O.S.No.155 of 2021 and Letters of Administration O.P.No.58 of 2021 pending on the file of the Principal District Court, Vellore.

2. The 12th respondent herein namely one H.Rupa filed a suit for recovery of money based on Promissory Note in O.S.No.17 of 2021 on the file of the Subordinate Court, Gudiyatham. In the said suit, the trial is commenced and it is in the stage of PW.1 cross. It is the case of the 12th respondent that the petitioner's brother one K.Udhayakumar borrowed a sum of Rs.7,00,000/- based on the Suit Promissory Note and he died subsequently leaving behind the petitioner herein as his Class-II legal heir.

3. The petitioner herein filed a suit for declaration and injunction in respect of immovable properties of K.Udhayaumar in O.S.No.155 of 2021



C.R.P.No.939 of 2025
and C.M.P.Nos.5413 and 5414 of 2025

on the file of the District Court, Vellore. She also sought for a declaration that Will dated 05.01.2019 allegedly executed by her brother-K.Udhayakumar in favour of respondents 1 and 2 was null and void and the said suit is pending after framing of issues.

4. The 1st respondent herein filed Letters of Administration O.P.No.58 of 2021 before the Principal District Court, Vellore seeking grant of Letters of Administration of the Will executed by K.Udhayakumar dated 05.01.2019 on the ground that he was the Executor of the Will with life estate.

5. Since the issues involved in these suits are connected to each other, the petitioner filed transfer original petition before the District Court, Vellore and the same was dismissed. Aggrieved by the same, the petitioner has come before this court.

6. The learned counsel appearing for the petitioner would submit that the issues involved in the suits and the original petition are one and the same and therefore, if the suits filed by the 12th respondent is allowed to go on before a different Court, it may result in conflict of judicial verdicts.



C.R.P.No.939 of 2025
and C.M.P.Nos.5413 and 5414 of 2025

7. The learned counsel appearing for the 12th respondent/plaintiff in

O.S.No.17 of 2021 would submit that the 12th respondent is not concerned with the immovable properties over which the petitioner claims right and also with regard to the Will allegedly executed by K.Udhayakumar. Therefore, the suit filed by the 12th respondent need not be transferred to District Court, Vellore for joint trial with other suit and original petition.

8. The 12th respondent herein filed a suit for recovery of money based on Promissory Note executed by K.Udhayakumar against the petitioner only on the ground that petitioner is the representative of the estate of the borrower. Only in cases where the petitioner succeed to the estate of the borrower, she is liable to pay the amount due under the Promissory Note executed by K.Udhayakumar. The 1st respondent herein relying on Will allegedly executed by K.Udhayakumar, dated 05.01.2019 claims right over the estate of K.Udhayakumar and the validity of the Will is very much under the dispute in the original petition for grant of Letters of Administration. The petitioner also filed a suit in O.S.No.155 of 2021 seeking declaration of her title and injunction in respect of the immovable properties of K.Udhayakumar. She also sought for a declaration regarding invalidity of the Will.



C.R.P.No.939 of 2025
and C.M.P.Nos.5413 and 5414 of 2025

9. In such circumstances, the core issue to be decided in the suit filed

by the petitioner and original petition filed by the 1st respondent is the validity and genuineness of the Will. Ultimately, if Will is held to be valid, then the petitioner cannot get anything from the estate of the deceased and in such circumstances, she will not be liable to pay money based on the Promissory Note allegedly executed by K.Udhayakumar. Therefore, the decision in Letters of Administration O.P.No.58 of 2021 and O.S.No.155 of 2021 will have a direct bearing on the outcome of O.S.No.17 of 2021 filed by the 12th respondent herein.

10. If the suit in O.S.No.17 of 2021 is allowed to go on before a different Court, there is a possibility of conflict of judicial verdicts. Therefore, this Court is inclined to order the transfer original petition filed by the petitioner and the impugned order passed by the Principal District Court, Vellore in Tr.O.P.No.55 of 2023, dated 23.04.2024 is set aside.

11. Taking into consideration in O.S.No.17 of 2021 the trial is already commenced and PW.1 is in witness box, this Court is inclined to direct the Principal District Court, Vellore to take up all these cases for final disposal simultaneously.



C.R.P.No.939 of 2025
and C.M.P.Nos.5413 and 5414 of 2025

12. With this direction, the Civil Revision Petition is allowed. The suit

in O.S.No.17 of 2021 is withdrawn from the file of Subordinate Court, Gudiyatham and transferred to the file of Principal District Court, Vellore for simultaneous trial along with O.S.No.155 of 2021 and Letters of Administration O.P.No.58 of 2021. No costs. Consequently, the connected civil miscellaneous petition is closed.

18.02.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

1.The Principal District Court,
Vellore District.

2.The District Collector,
Collectorate Office,
Sathuvachari,
Vellore – 632 009.

3.The Inspector of Police,
Anti Land Grabbing Special Cell,
Vellore – 09.

Copy to:

The Subordinate Court,
Gudiyatham.

7/8



WEB COPY



C.R.P.No.939 of 2025
and C.M.P.Nos.5413 and 5414 of 2025
S.SOUNTHAR, J.

dm

C.R.P.No.939 of 2025
and C.M.P.Nos.5413 and 5414 of 2025

18.02.2026