



O.S.A.No.53 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **09.03.2026**

CORAM

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

O.S.A.No. 53 of 2026

and

C.M.P.No. 6117 of 2026

M.Muthu

S/o.Late Munusamy

... Appellant

Vs.

1. M.Selvaraj
S/o.Late Munusamy
2. M.Chandran
S/o.Late Munusamy
3. M.Rajeswari
D/o.Late Munusamy
4. M.Ezhilarasi
D/o. Late Munusamy
5. B.Gayathri
D/o.Late Munusamy

... Respondents

Original Side Appeal filed under Order XXXVI Rule 1 of the Madras High Court Original Side Rules read with Clause 15 of Letters Patent, to set aside the order dated 18.11.2025 passed by this Court in A.No.4607 of 2025 in T.O.S.No.1 of 2007.



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For Appellant : Mr.S.Ramachandran

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J U D G M E N T

(Judgment of the Court was delivered by **P.VELMURUGAN, J.**)

The appellant filed an application in A.No.4607 of 2025 seeking withdrawal of the suit in O.S.No.2572 of 2004 from the file of the XVI Assistant City Civil Court, Chennai and to transfer the same to this Court to be tried along with T.O.S.No.1 of 2007. The learned Single Judge, by order dated 18.11.2025, dismissed the said application. Aggrieved by the same, the present Original Side Appeal has been filed.

2. The learned counsel appearing for the appellant 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 and that the parties and subject matter in both the proceedings are substantially the same. It was contended that separate trials may result in conflicting findings and, therefore, the appellant filed an application seeking a joint trial of both the matters. However, the learned Single Judge dismissed the application observing that a date had already been fixed for the cross-examination of P.W.1 in T.O.S.No.1 of 2007 and that the proceedings in the said suit may continue without delay,



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particularly when there was already a stay of further proceedings in O.S.No.2572 of 2004. The said reasoning is erroneous, and the same may be liable to be set aside.

3. We have considered the submissions of the learned counsel for the appellant and perused the materials available on record.

4. On a perusal of the records, it is seen that the trial in T.O.S.No.1 of 2007 has already commenced and that further proceedings in O.S.No.275 of 2004 have been stayed. Once the trial has commenced in one of the proceedings, the question of ordering a joint trial does not arise. In such circumstances, we do not find any perversity or infirmity in the order passed by the learned Single Judge. Accordingly, this Original Side Appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(P.V.,J.) (K.G.T.,J.)
09.03.2026

ms

Speaking / Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No



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K.GOVINDARAJAN THILAKAVADI, J.,**

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