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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition No.6999 of 2026
and
C.M.P.No.30069 of 2026

Case QR

CNR: {HCMA012449442026}

E.Vijayalakshmi
W/o.Late N.Ethiraj

..Petitioner

Vs

1. E.Gowri
   W/o.Late N.Ethiraj

2. E.Nixon
   S/o.Late N.Ethiraj

3. E.Johnson
   S/o.Late N.Ethiraj

4. Sri Ganesh Hardwares,
   represented by its Proprietor
   Mr.Gnanasekar,
   Ground Floor, New No.30,
   1st Cross Street, Vijaya Nagar,
   Velacherry, Chennai – 600 042.

5. G.Kannan

6. Dolphin RAC Systems,
   represented by its Proprietor Mr.S.Jothivel,
   First Floor, New No.30, 1st Cross Street,
   Vijaya Nagar, Velacherry,
   Chennai – 600 042.

7. S.Jothivel

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8. Ravi Scientific Company,
represented by its Proprietor Mr.Ravichandran,
First Floor, New No.30, 1st Cross Street,
Vijaya Nagar, Velacherry,
Chennai – 600 042.

..Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 21.09.2026 passed in I.A.No.3 of 2025 in O.S.No.876 of 2024 on the file of the learned XVI Additional Sessions and City Civil Court, Chennai and consequently, allow I.A.No.3 of 2025 by staying all further proceedings in O.S.No.876 of 2024 pending disposal of the C.S.No.510 of 2006 on the file of this Court.

For Petitioner : Mr.R.Arunkumar

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ORDER

This civil revision petition has been filed under Article 227 of the Constitution of India against the order dated 21.09.2026 passed in I.A.No.3 of 2025 in O.S.No.876 of 2024 by the XVI Additional Sessions and City Civil Court, Chennai, wherein the application filed by the petitioner/first defendant under Section 10 CPC to stay the suit till the disposal of the suit in C.S.No.510 of 2006 pending before this Court, came to be dismissed by the Court below.

2. Heard learned counsel for petitioner and carefully perused the materials available on record. This Court also went through the impugned order.

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3. Respondents 1 to 3 are the plaintiffs, who filed the suit in O.S.No.876 of 2024 seeking for the relief of declaration declaring the settlement deed dated 03.03.2006 executed in favour of the petitioner/first defendant as null and void and not binding on the plaintiffs and for other reliefs. One N.Ramamoorthy, who is the brother of one N.Ethiraj, whom the petitioner/first defendant claims to be her husband, filed C.S.No.510 of 2006 seeking for the relief of partition and for allotment of share and for other consequential reliefs. In this suit, the suit property in O.S.No.876 of 2024 is shown as the 'C' schedule. Originally, the petitioner/first defendant was not a party in the said suit. Applications came to be filed in A.Nos.1341 and 1376 of 2023 to implead the petitioner herein and her children born through the marriage. These applications came to be allowed by this Court by order dated 16.03.2023 and they were impleaded as defendants 37 to 40 in the suit. Under such circumstances, the petitioner/first defendant filed I.A.No.3 of 2025 in O.S.No.876 of 2024 to stay the present suit pending disposal of the suit in C.S.No.510 of 2006 on the ground that the present suit property is described as 'C' schedule in the suit pending before this Court in C.S.No.510 of 2006 and partition has been sought for even insofar this property is concerned.

4. The Court below dismissed this application on the ground that the relief sought for in both the suits are different and the petitioner/first defendant is yet to prove her status as the legally wedded wife of N.Ethiraj and therefore,

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the petitioner/first defendant does not have the *locus standi* to seek stay of the present suit pending in C.S.No.510 of 2006. Aggrieved by this order, the present revision has been filed before this Court.

5. In the considered view of this Court, the crux of the issue involved is as to whether the petitioner/first defendant is the legally wedded wife of N.Ethiraj and the legality of the settlement deed dated 03.03.2006 said to have been executed by the said Ethiraj in favour of the petitioner/first defendant. It is also not in dispute that the present suit property has been described as 'C' schedule in the suit pending before this Court in C.S.No.510 of 2006 in which the petitioner and other legal heirs have already been impleaded as defendants 37 to 40.

6. On carefully going through the issues involved in both the cases, this Court is of the view that it will not be appropriate if both the suits are tried by two different Courts since it may result in multiplicity of proceedings. Ultimately, in both suits, the petitioner/first defendant has to prove her marital status with the deceased N.Ethiraj and the petitioner/first defendant must sustain the settlement deed executed in her favour by the said N.Ethiraj. This will become a subject matter in both the suits. Therefore, the petitioner/first defendant has to take steps to get the suit filed in O.S.No.876 of 2024 to be transferred and tried along with C.S.No.510 of 2006. This will enable common

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issues to be agitated before the same Court. Except giving this clarification, this Court is not inclined to interfere with the order passed by the Court below. It is left open to the petitioner/first defendant to take appropriate steps in this regard.

This civil revision petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

10-11-2026

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

To
The XVI Additional Sessions
and City Civil Court,
Chennai.

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N.ANAND VENKATESH, J.

gm

Civil Revision Petition No.6999 of 2026

10-11-2026

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