

**IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,
KOTTAYAM**

Present: Sri. Manoj M., Principal District Judge

Monday, the 16th day of March 2026
25th day of Phalguna, 1947

O.P.(T.P.) No.147/2025

Petitioners:-

- 1 Alice Tomy, aged 75years, W/o. Tomy Joseph,
Naduthottiyil House, Kurinji P.O., Ramapuram Village,
Pizhaku, Meenachil Taluk, Kottayam District.
- 2 Joby Tom, aged 48 years, S/o. Tomy Joseph,
Naduthottiyil House, Kurinji P.O., Ramapuram Village,
Pizhaku, Meenachil Taluk, Kottayam District.
- 3 Noby Tom, aged 44 years, W/o. Jojo, Naduthottiyil House,
Kurinji P.O., Ramapuram Village, Pizhaku,
Meenachil Taluk, Kottayam District.

By Adv. Jayakrishnan R.

Respondents:-

- 1 The State of Kerala represented by District Collector,
Collectorate P.O., Muttambalam Village, Kottayam - 686002.
- 2 Thahasildar (L.R), Taluk Office, Union Club Road,
Kottayam Village, Kottayam-686001.
- 3 The Village officer, Chengalam East Village Office,
Chengalam East Village, Kottayam-686585.
- 4 Deputy Director of Survey, 2nd Floor, Collectorate Complex,
Muttamabalam Village, Kottayam - 686002.

5 Jimmichan C. Mathew, aged about 50, S/o. Mathew,
Naduthottiyil House, Chengalam East P.O.,
Chengalam East Village, Anickadu Vadakkumbhagom Kara,
Kottayam Taluk, Kottayam District.

R1 to R5 No Vakalath seen filed

Petition filed under under Sections 22 to 24 of the Code
of Civil Procedure

This O.P (Transfer) coming up on for final hearing on
11.03.2026 and the Court on 16.03.2026 passed the
following:-

ORDER

This petition is filed under Sections 22 to 24 of the Code
of Civil Procedure by the petitioners, who are the plaintiffs in
O.S. No.446/2023 pending before the Additional Munsiff's
Court, Kottayam and the defendants in O.S. No.503/2023
pending before the Principal Munsiff's Court, Kottayam,
seeking transfer of O.S. No.446/2023 to the Principal
Munsiff's Court, Kottayam, where O.S. No.503/2023 is
pending, or vice versa, for the purpose of joint trial and
disposal of both suits.

2. According to the petitioners, they are the plaintiffs in
O.S. No.446/2023 pending before the Additional Munsiff's

Court, Kottayam and the defendants in O.S. No.503/2023, pending before the Principal Munsiff's Court, Kottayam. The fifth defendant in O.S. No.446/2023 is the plaintiff in O.S. No.503/2023. Both suits relate to the same property and involve the same parties. O.S. No.446/2023 has been filed for declaration and for mandatory and permanent prohibitory injunction, whereas O.S. No.503/2023 has been filed for fixation of boundary as per Re-survey. Since the subject matter, evidence and parties in both suits are the same, it is necessary that both cases be tried together by the same court in order to avoid conflicting decisions and to save the valuable time of the court and the parties. Hence, the petitioners pray that O.S. No.446/2023 pending before the Additional Munsiff's Court, Kottayam be transferred to the Principal Munsiff's Court, Kottayam, or vice versa, so that it may be tried along with O.S. No.503/2023, in the interest of justice.

3. Notices were served on the respondents. The fifth respondent entered appearance and has no objection to the petition.

4. Heard both sides.

5. The only point which arises for consideration is :

Whether the transfer petition is liable to be allowed ?

6. **The Point** :- Remarks have been submitted by the Principal Munsiff, Kottayam and the Additional Munsiff, Kottayam, regarding the pendency of the suits in their respective courts. As per the report of the Principal Munsiff, Kottayam, O.S. No.503/2023 was instituted on 16.10.2023 for permanent prohibitory injunction. Defendant Nos.1 to 3 entered appearance and filed their written statement, and issues were framed. I.A. No.2/2024 filed by the plaintiff was allowed and a commission was issued. Though the Commissioner executed the order, the Surveyor has not yet handed over the plan. Hence, the case now stands posted to 13.03.2026 for return of steps against the Surveyor and for filing the Commission report. As per the report of the Additional Munsiff, Kottayam, O.S. No.446/2023 was filed for declaration of title, mandatory injunction and permanent prohibitory injunction and was taken on file on 13.09.2023. The plaintiff and defendant Nos.1 to 5 entered appearance, and the fifth defendant filed a written statement, while defendant Nos.1 to 4 were set ex parte. Subsequently, I.A.

No.4/2025 filed for appointment of an Advocate Commissioner and Surveyor was allowed, and Adv. Alex P. Raju was appointed as Advocate Commissioner with the Taluk Surveyor deputed to assist him. The matter now stands posted awaiting reply from the Director of Survey and Land Records.

7. I have perused the copies of complaints in O.S. No.446/2023 pending before the Additional Munsiff's Court, Kottayam and O.S. No.503/2023 pending before the Principal Munsiff Court, Kottayam. On considering the averments in the petition and the pleadings in both suits, it appears that the parties and the subject matter involved are the same. In the interest of justice and for the sake of judicial convenience to avoid conflicting decisions, it is desirable that both the Suits be disposed of by the same court. Hence, the petition is liable to be allowed. The point is found in favour of the petitioners.

In the result, the petition is allowed. O.S. No.446/2023 pending before the Additional Munsiff's Court, Kottayam, is ordered to be transferred to the Principal Munsiff Court, Kottayam, where O.S. No.503/2023 is pending. Principal Munsiff, Kottayam shall decide the mode of disposal of both the cases. No direction as to costs.

Copy of Order
O.P.(T.P.) No.147/2025
Dated : 16.03.2026

The parties shall appear before the Principal Munsiff
Court, Kottayam on 26.03.2026.

*Dictated to the Confdl. Asst., transcribed and typed by her, corrected
by me and pronounced in open Court, on this the 16th day of March, 2026.*

Sd/-
Manoj M.
District Judge

APPENDIX : NIL

Id/-
District Judge.

// True Copy //

Copied by :
Compared by :

By Order,

Sd/-
Sheristadar