

IN THE COURT OF THE DISTRICT JUDGE,
THIRUVANANTHAPURAM

PRESENT : SMT. NAZEERA. S, DISTRICT JUDGE
Tuesday, 17th day of March 2026/ 26th day of Phalguna, 1947

OP(TP) No.187/2024

(In the matter of O.S.No.533/2021 pending before the
Additional Munsiff's Court, Thiruvananthapuram and OS.202/2021 pending before
the Additional Munsiff's Court-III, Thiruvananthapuram)

Petitioners :-

1. Anil Gopinath, aged 48 years,
S/o Gopinathan Pillai, Archana, Market Road,
Sreekariyam P.O, Thiruvananthapuram
2. Thara Nair, aged 46 years,
D/o Leelamma, Archana, Market Road,
Sreekariyam P.O, Thiruvananthapuram

By Advocates:-K.P. Jayaraj, Santhosh S.P, Aswathy M.S
Simi.U, Gayathri A.P, Saikrishnan.V,
Sivaprasad.S, Gouri Nandana.J

Respondents:-

1. Premakumar, aged 70 years, S/o Bhaskaran,
Devi Nivas, TC.8/615, Yamuna Nagar,
ERA 156, Sreekariyam P.O, Thiruvananthapuram
2. Lalitha.K, aged 65 years, W/o Premakumar
Devi Nivas, TC.8/615, Yamuna Nagar,
ERA 156, Sreekariyam P.O, Thiruvananthapuram
3. Elamkulam Sree Mahadeva Temple Trust represented by
its President, Elamkulam Junction, Sreekariyam P.O
Thiruvananthapuram 695017
4. Swaminathan, aged 62 years, S/o Gopalan
ERA 155, Swathi, Yamuna Nagar,
Sreekariyam P.O, Thiruvananthapuram

By Advocates:-Anees Rasheed and Sareena S. Edamarathu (for R1)
R2 to R4 called absent

This transfer petition having been finally heard on 13/03/2026 and the
court on 17/03/2026 passed the following.

ORDER

This is a petition filed u/s. 24 of the Code of Civil Procedure.

2. The gist of the averments in the petition is as follows:-

The petitioners are the plaintiffs in O.S.No.533/2021, pending before the 1st Additional Munsiff Court, Thiruvananthapuram. The respondents are the defendants in the said suit. Respondents 1 and 2 have instituted O.S.No.202/2021, which is now pending before the 3rd Additional Munsiff Court Thiruvananthapuram and the 1st petitioner herein and the 3rd respondent are the defendants in the said suit. Both the suits are filed seeking a decree of permanent prohibitory injunction and for other consequential reliefs. The subject-matter of the suits are same as well as the parties are also the same. The evidence to be let in, both oral and documentary, are also the same. So, in order to avoid multiplicity of proceedings and conflicting decisions, it is highly essential that both the above suits should be heard and disposed of together. Hence this petition is filed to transfer O.S.No.533/2021, pending before the 1st Additional Munsiff Court, Thiruvananthapuram to the 3rd Additional Munsiff Court, Thiruvananthapuram, where O.S.No.202/2021 is pending or vice versa.

3. Notice in this petition is issued to the respondents. They remained absent.

4. Received remarks from the courts concerned.

5. Heard. Perused the records.

6. The petitioner has produced the copy of the plaints in O.S.No.202/2021 and O.S.No.533/2021. It is discernible from the materials available on record that O.S.No.202/2021 is a suit for permanent prohibitory injunction restraining the defendants therein from increasing the level of plaint B schedule pathway and from closing the drainage on the western side of plaint B schedule pathway, a decree for mandatory injunction directing the defendants to remove the dumped and levelled earth from plaint B schedule pathway and for other consequential reliefs. O.S.No.533/2021 is a suit for permanent prohibitory injunction restraining the defendants therein from committing waste in plaint A schedule property and causing troubles and obstacles in the plaint B schedule property. It is seen that the plaint B schedule properties mentioned in O.S.No.202/2021 and O.S.No.533/2021 are one and the same. So it appears that the subject-matter of both the suits is same. The parties to the suits are also the same. Further, it appears that the evidence to be adduced in both the suits is likely to be the same. The questions likely to be decided in both the suits will also be similar and it appears that any decision in any one of them will have a bearing on the other suit. Therefore, considering all the above facts and in the interest of justice, to avoid conflicting decisions, I am of the view that O.S.No.533/2021, pending before the 1st Additional Munsiff Court, Thiruvananthapuram can be withdrawn and transferred to the 3rd Additional Munsiff Court, Thiruvananthapuram, where O.S.No.202/2021 is pending. Needless to say, the

question of joint trial is a matter to be decided by the trial court, in accordance with law, if such a request is made by the parties concerned.

In the result, this petition is allowed as follows:-

1. O.S.No.533/2021, pending before the 1st Additional Munsiff Court, Thiruvananthapuram is withdrawn and transferred to the 3rd Additional Munsiff Court, Thiruvananthapuram, where O.S.No.202/2021 is pending
2. The 1st Additional Munsiff Court, Thiruvananthapuram is directed to transmit the records of O.S.No.533/2021 forthwith to the 3rd Additional Munsiff Court, Thiruvananthapuram.
3. Considering the facts and circumstances of this case, costs made easy.

Dictated to the Confidential Assistant, transcribed and typed by him, corrected and pronounced by me in Open Court on this the 17th day of March, 2026.

Sd/-
NAZEERA.S
DISTRICT JUDGE

Appendix :- Nil

Id/-
DISTRICT JUDGE
(By Order)

(Copies – 5)
Typed by : Soumya
Comp. by : Rifa

//True Copy//
F.C.S.

SHERISTADAR

Copy of Order in
OP(TP) No.187/2024
Dated:17/03/2026
