

**COURT OF THE PRINCIPAL DISTRICT JUDGE
ERODE**

Present: **Tmt.S. SAMEENA, B.A., L.L.B.**,
Principal District Judge, Erode

Tamil Visuva vasu Varudam, Masi Month, 26th day
Tuesday, the 10th day of March, 2026

Tr OP No.14/2023
CNR No.TNED01-000391-2023

R.M.Jayamurugan

... Petitioner

Vs

1. M.Paramasivam
2. M.Loganathan (died)
3. M.Thirumoorthy
4. T.Selvaraj
5. P.Pannerselvam
6. P.Baskaran
7. P.Ganesan
8. Valliammal
9. P.Gopalakrishanan
10. M.Sakunthala
11. V.K.Subramaniam
12. P.Lingamoorthy
13. S.Varadharajan
14. P.Venkatachalam
15. P.Saravanakumar
16. P.Subramaniam
17. P.Devarajan
18. T.C.P.Mani @ Subramaniam (died)
19. P.Palaniammal
20. Nagammal
21. G.K.Kandasamy
22. K.Kumar
23. The Sub Registrar,
The Sub Registrar Office, Perundurai

... Respondents

This Transfer Original Petition coming on 28.01.2026 for final hearing before me in the presence of Thiru.R.Ganesh, Advocate for the Petitioner, and of

Thiru.P.Manickam, B.A., B.L., Advocate for the Respondents 1, 3, 5, 6, 14 to 16 and of Thiru.P.P.Duraisamy, B.Sc., B.L., Advocate for the 21st Respondent, and the Respondents 4, 7 to 13, 17, 19, 20, 22 and 23 having remained as *ex parte*, Respondents 2 and 18 reported *dead* and upon considering all material records in this transfer original petition, and hearing the submissions on both sides and having stood over till this day for consideration, and this court doth deliver the following

ORDER

This Transfer Original Petition has been filed seeking withdrawal of the suits O.S. No.21 of 2008 and O.S. No.70 of 2017 pending on the file of the District Munsif Court, Perundurai and to transfer the same to the file of the court of I Additional District Judge, Erode to be tried along with O.S. No.100 of 2020.

02. According to the petitioner, he has filed O.S. No.100 of 2020 on the file of the court of I Additional District Judge, Erode seeking declaration that he is entitled to 8/9th share in the suit 'A' schedule property and for partition and other consequential reliefs. The said suit is presently pending at the stage of service of summons.

03. It is further stated that the respondents 1 to 7 have earlier filed O.S. No.21 of 2008 on the file of the District Munsif Court, Perundurai, wherein the present petitioner has been arrayed as the 19th defendant. In the said suit, the respondents have sought declaration that they are the absolute owners of a portion of the property which forms part of the property involved in O.S. No.100 of 2020.

04. Similarly, the 21st respondent has filed O.S. No.70 of 2017 on the file of the District Munsif Court, Perundurai, wherein the petitioner is the 2nd defendant and the relief sought therein is declaration of title in respect of another portion of the very same property covered in O.S. No.100 of 2020.

05. According to the petitioner, O.S. No.100 of 2020 is a comprehensive suit and the issues involved in the other two suits are directly connected with the subject matter of the said suit. Therefore, to avoid multiplicity of proceedings and conflicting decisions, it is necessary that all the three suits are tried together before the same court.

06. The 1st respondent has filed a counter statement, which has been adopted by respondents 2, 3, 5, 6, 14, 15 and 16. 21st respondent has also filed separate counter.

07. In the counter it is contended that the petition is not maintainable and that O.S.No.21 of 2008 is already in trial stage before the District Munsif Court, Perundurai and is posted for cross-examination of PW1. It is further contended that O.S. No.100 of 2020 has been filed after 12 years of the earlier suit and is only in the service stage.

08. The 21st respondent contended that O.S. No.70 of 2017 relates to a separate property, and therefore no joint trial can be ordered. According to the 21st respondent the transfer petition is filed only to delay the proceedings and the petitioner has also not impleaded all the necessary parties in the present transfer petition. Therefore, they prayed for dismissal of the petition.

09. During enquiry Ex.P1 to Ex.P3 marked on the side of the petitioner.

10. Heard both sides. Records perused.

11. POINT FOR DETERMINATION:

Whether O.S. No.21 of 2008 and O.S. No.70 of 2017 pending before the District Munsif Court, Perundurai are liable to be withdrawn and transferred to the file of the I Additional District Judge, Erode to be tried along with O.S. No.100 of 2020?

12. POINT NO.1:

Admittedly, three suits are pending between the parties in respect of the same or overlapping properties. From the pleadings, it is evident that O.S. No.21 of 2008 relates to declaration of title in respect of a portion of the property. O.S. No.70 of 2017 also relates to declaration of title in respect of a portion of the very same property. O.S. No.100 of 2020 filed by the petitioner seeks declaration of share and partition of the entire property. Thus, the subject matter involved in the suits appears to be interconnected and overlapping. If the suits are tried by different courts, there is a possibility of conflicting findings regarding title and possession of the properties.

13. Though the learned counsel for the respondents contended that O.S. No.70 of 2017 relates to separate property, the pleadings placed before this Court indicate that the property involved forms part of the larger property which is the subject matter of O.S. No.100 of 2020.

14. The contention that O.S. No.21 of 2008 is already in trial stage cannot be a ground to reject the transfer petition when the issues involved in the suits are interconnected. The paramount consideration while deciding a transfer petition is avoidance of conflicting judgments and multiplicity of proceedings. At the same time, the apprehension of the respondents that the transfer may delay the proceedings also requires consideration.

15. Therefore, this Court is of the view that while ordering transfer, suitable directions can be issued to ensure expeditious disposal of the suits. Considering OS No.21/2008 is already in trial stage, the parties shall co operate for the early disposal of the suits within a reasonable time and shall not seek unnecessary adjournments.

16. In the result,

- (a) The transfer original petition in Tr OP No.14/2023 on the file of this court is hereby allowed.
- (b) The original suits in OS No.21/2008 and OS No.70/2017 on the file of the court of District Munsif, Perundurai, is hereby withdrawn to the court of Principal District Judge, Erode,
- (c) The Learned District Munsif, Perundurai, is hereby directed to transmit the records, duly indexed, in the original suits in OS No. 21/2008 and OS No.70/2017 on the file of the court of District Munsif, Perundurai, to the court of Principal District Judge, Erode, within two weeks from the date of receipt of this order,
- (d) Registry of the Principal District Court, Erode, is hereby directed to take the above two original suits in OS No. 21/2008 and OS No.70/2017 on the file of this court and transfer the same to the court of I Additional District Judge, Erode, for trial with the original suit in OS No.100/2020 on the file of the court of I Additional District Judge, Erode, within two weeks from the date of receipt of the case records concerned,
- (e) It is left the decision of the Learned I Additional District Judge, Erode to decide whether the **three cases are fit for joint trial or simultaneous trial**

and the Learned I Additional District Judge, Erode is directed to proceed with the trial and dispose of the cases, in accordance with the law.

(f) the parties shall co operate for the early disposal of the suits within a reasonable time and shall not seek unnecessary adjournments and

(g) that considering the nature and scope of this proceedings, there shall be no order as to costs.

Dictated to the Steno-typist, typed by her directly, and then corrected and pronounced by me in the open court, this 10th day of March, 2026.

Principal District Judge
Principal District Court
Erode

Petitioner Side Witness: Nil

Petitioner Side Exhibits:

Ex.P1	-	Plaint in OS No.21 of 2008 on the file of court of the learned District Munsif cum Judicial Magistrate, Perundurai	Xerox Copy
Ex.P2	-	Plaint in OS No.70 of 2017 on the file of court of the learned District Munsif, Perundurai	Xerox Copy
Ex.P3	-	Plaint in OS No.100 of 2020 on the file of court of the learned I Additional District Court, Erode	Xerox Copy

Respondents Side Witness and Documents: Nil

Principal District Judge
Principal District Court
Erode

Copy to:

1. I Additional District Judge, Erode
2. District Munsif, Perundurai