

**IN THE 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.93/2025
CNR No.TNED01-003981-2025

1. S. Muniappagounder
2. S. Muniappan

... Petitioners/Plaintiffs in
OS No.422/2016

Vs

1. V.S. Mohana
2. Kannammal @ Pavayammal (Died)
3.S. Kailasamoorthy
4. Subramani
5. Palaniammal

... Respondents/Defendants
in OS No.422/2016

This Transfer Original Petition coming on 22.01.2026 for final hearing before me in the presence of Thiru.K.Murugapperuman, B.A., B.L., Advocate for the Petitioners, and of Thiru.K.M.Sellamuthu, M.A., B.L., Advocate for the 1st Respondent and of Thiru.B.S.Radhakrishnan, B.Com., B.L., Advocate for the 3rd Respondent and the 2nd Respondent reported dead and the Respondents 4 and 5 having remained as *ex parte* 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 to withdraw the suit in O.S. No.422 of 2016 pending on the file of the court of Learned District Munsif, Bhavani and to transfer the same to the file of the court of Learned Principal District

Judge, Erode for joint trial along with Probate O.P. No.109 of 2022 on the file of court of Learned Principal District Judge, Erode.

02. Heard. Records perused.

03. POINT FOR DETERMINATION:

Whether the petition can be allowed?

04. POINT:

This Transfer Original Petition has been filed seeking to withdraw the suit in OS. No.422 of 2016 pending on the file of the court of Learned District Munsif, Bhavani and to transfer the same to the file of the court of Learned Principal District Judge, Erode for joint trial along with Probate O.P. No.109 of 2022 on the file of the court of Learned Principal District Judge, Erode.

05. The case of the petitioners is that they have filed O.S.No.422 of 2016 before the District Munsif Court, Bhavani for the relief of declaration and permanent injunction in respect of the suit property. It is further stated that the respondents have subsequently filed Probate O.P. No.109 of 2022 before the Principal District Court, Erode seeking relief in respect of the very same property and document. According to the petitioners, the issues involved in both the proceedings relate to the same property and the same document and therefore the questions of fact and law involved in both matters are common. Hence, the petitioners seek transfer of the suit so that both matters can be tried together.

06. Notice was served on the respondents. The 1st respondent has stated that she has no objection for allowing the transfer petition. The 3rd respondent has filed a counter opposing the petition. The respondents 4 and 5 were called absent and set ex parte.

07. Heard the learned counsel appearing for the petitioners and respondents and perused the materials available on record. On a careful consideration of the submissions made and the records placed before this Court, it appears that the subject matter involved in O.S. No. 422 of 2016 and Probate O.P. No. 109 of 2022 pertains to the same property and the validity of the same document. Therefore, the issues involved in both the proceedings are closely interconnected.

08. If both the proceedings are tried before different courts, there is every possibility of conflicting findings and multiplicity of proceedings. In order to avoid such conflicting judgments and for the sake of convenience of parties, it would be appropriate that both the matters are tried by the same court.

09. Considering the above circumstances and also in view of the fact that the 1st respondent has no objection for the transfer, this Court is of the view that the petition deserves to be allowed.

10. In the result,

- (a) The transfer original petition in Tr OP No.93/2025 on the file of this court is hereby allowed.
- (b) The original suit in OS No.422/2016 on the file of the court of District Munsif, Bhavani, is hereby withdrawn to this court.
- (c) The Learned District Munsif, Bhavani, is hereby directed to transmit the records, duly indexed, in the original suit in OS No.422/2016 on the file of the court of District Munsif, Bhavani, to this court, 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 original suit in OS No.422/2016 on the file of the court of District Munsif, Bhavani for trial with the Probate Original Petition in P.O.P. No.109/2022 on the file of the court of this court.

(e) 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

Petitioners Side Witness: Nil

Petitioners Side Documents:

-	Petition in POP No.109 of 2022 on the file of court of Principal District Judge, Erode	Xerox Copy
-	Plaint in OS No.422 of 2016 on the file of court of the learned District Munsif, Bhavani	Xerox Copy

Respondents Side Witness and Documents: Nil

Principal District Judge
Principal District Court
Erode

Copy to:

1. The District Munsif, Bhavani