

**IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, KRISHNAGIRI.****PRESENT TMT V.R. LATHA, M.A., B.L.,  
PRINCIPAL DISTRICT JUDGE, KRISHNAGIRI**Monday the 27<sup>th</sup> day of April 2026TRANSFER ORIGINAL PETITION No:21 / 2025[CNR NO:TNKI01-000707-2025]

1.S.Kupendra Reddy

.... Petitioner

....Versus....

- 1.V.Kesavamoorthy
- 2.The District Registrar, Krishnagiri – 635001
- 3.The Deputy Inspector General of Registration Department,  
Salem – 636001.
- 4.The Inspector of Police, District Crime Branch Office, Krishnagiri.
- 5.The Superintendent of Police, Krishnagiri – 635115.
- 6.The District Collector, Krishnagiri – 635115.

... Respondents

This petition coming on 24.04.2026 for enquiry before this Court, in the presence of Thiru.R.Narayanan, Counsel for the petitioner, Thiru.A.Saravanan, Counsel for the Respondent No.1 filed counter and Thiru.A.Dhandapani, District Government Pleader for the Respondents No.2 to 6 endorsed as 'No counter'. After hearing petitioner's side arguments, upon perusal of records, having stood over till this day, this Court delivers the following :

**ORDER**

This transfer original petition is filed under section 24 of the Code of Civil Procedure, praying to transfer a suit in O.S.No.511/2021 pending on the file of the court

of the Subordinate Judge, of Denkanikottai to the court of the Additional District Judge of Hosur, so as to try the same jointly or simultaneous along with the suit in O.S.No. 124/2019.

**2. Brief averments made in the petition is as follows:-**

i] It is humbly submitted that the 1st respondent had filed a suit in O.S.No.124/2019 on the file of the Additional District Judge of Hosur against the petitioner and other respondents seeking the relief of Declaration of title, Permanent Injunction and for other reliefs and the same was pending and posted on 27.02.2025. Hence the respondents 2 to 6 were added as necessary and formal parties in this petition.

ii] It is further submitted that the 1st respondent had filed another suit in O.S.No.511/2021 on the file of the court of the Subordinate Judge of Denkanikottai, against the petitioner for permanent Injunction and for compensation and the same was pending and posted on 19.02.2025

iii] It is further submitted that the petitioner and 1st respondent are strangers to each other. It is further submitted that the parties and subject of matter of properties in suit in O.S.No.124/2019 on the file of the Additional District Judge, of Hosur and the suit in O.S.No.511/2021, on the file of the Subordinate Judge, of Denkanikottai are one and the same. Moreover both the suits revolve around the dispute in title. Therefore, both the two suits are to be tried jointly or simultaneous to avoid the conflict Judgments. If a joint or simultaneous trial is conducted, the precious time of the court will also be saved very much in recording the oral and documentary evidence. Otherwise, the petitioner will be seriously prejudiced.

iv] The Petitioner therefore humbly prays that this Honourable court may be pleased to pass an order to transfer a suit in O.S.No.511/2021 pending on the file of the court of the Subordinate Judge, of Denkanikottai to the court of the Additional district Judge of Hosur, so as to try the same jointly or simultaneous along with the suit in O.S.No. 124/2019 and thus render justice

**3.Breif averments made in the counter filed by the 1<sup>st</sup> respondent as follows:-**

i] The petition is not maintainable either in law or in facts of case and is liable to be dismissed in limine.

ii] The averments, allegations and statements contained in the Transfer O.P. filed by the petitioner are false, misleading and denied in toto, except those specifically admitted herein. The petition has been filed with the sole intention to delay, derail and obstruct the due course of trial in O.S.No.511/2021 pending before the Subordinate Judge, Denkanikottai.

iii] The Transfer O.P. filed under Section 24 CPC is not maintainable, in as much as the petitioner has failed to demonstrate any legally acceptable grounds warranting transfer. Mere pendency of another suit (O.S.No.124/2019) is not a ground for transfer unless the petitioner proves commonality of issues, risk of conflicting judgments, balance of convenience, and prejudice likely to be caused. None of these ingredients are satisfied.

iv] The petitioner has falsely stated that the parties and subject matter in both suits are "one and the same". In reality:

- O.S.No.124/2019 is a Declaration & Injunction suit involving multiple parties including government authorities.

- O.S.No.511/2021 is an Injunction & Compensation suit exclusively between the petitioner and the 1st respondent.

v] The cause of action, reliefs sought, issues framed, and evidence required are distinct. Hence, there is no requirement or advantage in trying both suits jointly or simultaneously.

vi] The property involved in O.S.No.511/2021 is situated within the territorial jurisdiction of the Subordinate Judge, Denkanikottai. All factual inspections, witnesses, and documents are locally situated there. Transferring the matter to Hosur causes serious inconvenience to the 1st respondent and local witnesses, defeats the purpose of territorial jurisdiction, delays the adjudication of the suit, and unfairly favours the petitioner.

vii] The petitioner has falsely alleged that he and the 1st respondent are "strangers". In truth, the disputes arise out of specific acts of the petitioner affecting the respondent's possession and enjoyment of the property. The false statement is made deliberately to mislead the Court.

viii] The petitioner has not demonstrated how the issues are identical, how evidence overlaps, or how two judgments could conflict. Merely alleging repetitive issues does not justify transfer. Courts have consistently held that transfer cannot be ordered on vague apprehensions or unsupported assumptions.

ix] The suit O.S.No.511/2021 is in an advanced stage, whereas the suit (O.S.No.124/2019) in Hosur is not. The Transfer O.P. is filed only to stall proceedings and prevent early disposal. Such dilatory tactics ought not to be encouraged.

x] The petitioner has not shown any genuine hardship in defending the suit at

Denkanikottai. On the contrary, transferring the suit will prejudice the 1st respondent and defeat the purpose of territorial jurisdiction.

xi] It is therefore humbly prayed that this Hon'ble Court may be pleased to dismiss the Transfer O.P. in limine, as being frivolous, vexatious, devoid of merits and filed only with an intention to delay the judicial process and thus render justice. 1st

**4. Written Argument submitted by the Petitioner as follows:-**

i] It is humbly submitted that the 1st respondent had filed a suit in O.S.No.124/2019 on the file of the Additional District Judge of Hosur against the petitioner and other respondents seeking the relief of a Declaration of title, Permanent Injunction, and for other reliefs. The respondents 2 to 6 were government officials. The petitioner did not claim any relief against the government officials, as they are formal parties to the suit. The main relief is against the petitioner alone.

ii] It is further submitted that the 1st respondent had filed another suit in O.S.No.511/2021 on the file of the court of the Subordinate Judge of Denkanikottai, as against the petitioner for permanent Injunction and for compensation and the same was also pending.

iii] It is further submitted that the petitioner and 1st respondent are strangers to each other. It is further submitted that the parties and subject of matter of properties in suit in O.S.No.124/2019 on the file of the Additional District Judge, of Hosur and the suit in O.S.No.511/2021, on the file of the Subordinate Judge, of Denkanikottai are one and the same. Moreover, both the suits revolve around the dispute in title. Therefore, both the two suits are to be tried jointly or simultaneously to avoid conflicting or contradictory

judgments. If a joint or simultaneous trial is conducted, the precious time of the court will also be saved significantly in recording the oral and documentary evidence.

iv] It is further submitted that, in counter submitted by the 1st respondent, it had been falsely stated that both the suits are of a different nature. But in fact, the pleadings and core issues in both suits are identical, warranting their consolidation or transfer to a single court to avoid conflicting judgments. The Petitioner asserts title to the suit property by virtue of a Partition Deed dated 03.02.2010, whereas the 1st Respondent claims title through a Gift Settlement Deed dated 25.04.2016.

v] Consequently, the primary issue for adjudication in both proceedings is the determination of valid title, specifically, whether the property belongs to the Petitioner under the Partition Deed dated 03.02.2010 or to the 1st Respondent under Gift Settlement Deed dated 25.04.2016. All other sought reliefs are merely consequential to this determination of title. Furthermore, as revenue authorities lack the jurisdiction to decide complex questions of title between private parties, a definitive and binding adjudication by this Honourable Court is essential for the final resolution of the dispute.

vi] It is further submitted that if one case is decided, then it will cause impact on the other case, even if it does not have any merits. Moreover, if one suit is decreed and one suit is dismissed, then there is no benefit for either party. In both suits, the issues to be decided are the same. Hence, it is essential for the amalgamation of both suits to avoid conflicts of judgments on the same issues and to avoid multiplicities of litigation. Trying both suits in different courts, which revolved on the same issues, will cause a waste of precious judicial time, and also it will cause double jeopardy for the parties to give

evidence and to defend the same set of facts and property rights in two different locations. No prejudice will be caused for both parties if both suits are tried simultaneously. If both suits are tried jointly and simultaneously, then it will be beneficial for both parties and the court as well.

vii] It is further submitted citation of “*Chitivalasa Jute Mills vs Jaypee Rewa Cement on 4<sup>th</sup> February 2004*”

*The two suits ought not to be tried separately. Once the suit at Rewa has reached the Court at Visakhapatnam, the two suits shall be consolidated for the purpose of trial and decision. The Trial Court may frame consolidated issues. The Code of Civil Procedure does not specifically speak of consolidation of suits but the same can be done under the inherent powers of the Court flowing from Section 151 of the CPC. Unless specifically prohibited, the Civil Court has inherent power to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court. Consolidation of suits is ordered for meeting the ends of justice as it saves the parties from multiplicity of proceedings, delay and expenses. Complete or even substantial and sufficient similarity of the issues arising for decision in two suits enables the two suits being consolidated for trial and decision. The parties are relieved of the need of adducing the same or similar documentary and oral evidence twice over in the two suits at two different trials. The evidence having been recorded, common arguments need be addressed followed by one common judgment. However, as the suits are two, the Court may, based on the common judgment, draw two different decrees or one common decree to be placed on the record of the two suits. This is how the Trial Court at Visakhapatnam*

*shall proceed consequent upon this order of transfer of suit from Rewa to the Court at Visakhapatnam.*

viii] This transfer petition has strong, sound, and reasonable grounds, and it is the duty of the court to ensure a fair trial. Hence, this Honourable court may be pleased to transfer the suit in O.S.No.511/2021 on the file of the court of the Subordinate Judge of Denkanikottai, to the court of the Additional District Judge of Hosur, so as to try the same jointly or simultaneously along with the suit in O.S.No. 124/2019 and thus render justice.

**5. The point for consideration is:**

1) Whether the petition filed by the petitioners U/Sec.24 of Civil Procedure Code has to be allowed or not?
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6] The learned counsel for the petitioner would submit that the petitioner has filed this Transfer O.P. seeking transfer of O.S.No.511 of 2021 from the file of the Subordinate Judge, Denkanikottai to the file of the Additional District Judge, Hosur, to be tried along with O.S.No.124 of 2019. The learned counsel would further submit that both the suits relate to the very same property situated in S.No.482 of Kundumaranapalli Village with identical extent, and the core issue involved in both the suits is regarding title and possession over the said property. It is further submitted that though the reliefs are worded differently, the evidence to be adduced in both the suits is one and the same, and separate trials may lead to conflicting findings and multiplicity of proceedings. The learned counsel would also submit that if both the suits are tried jointly or simultaneously, it would avoid inconsistency in judgments and also save the valuable

time of the Court in recording common oral and documentary evidence. Hence, the learned counsel prayed that this Court may be pleased to allow the petition and transfer the suit for joint trial, in the interest of justice.

7] Though sufficient opportunity was given, there is no representation on the side of the 1st respondent. However, this Court has carefully perused the counter filed by the 1st respondent. From the counter, it is seen that the 1st respondent has strongly opposed the Transfer O.P. by contending that the petition is not maintainable either in law or on facts and has been filed only to delay the proceedings in O.S.No.511 of 2021 pending before the Subordinate Judge, Denkanikottai. It is further contended that both the suits are different in nature, as O.S.No.124 of 2019 is a suit for declaration and injunction involving multiple parties including Government authorities, whereas O.S.No.511 of 2021 is a suit for injunction and compensation between the petitioner and the 1st respondent alone. It is also stated that the cause of action, reliefs sought and evidence required in both the suits are not identical and hence there is no necessity for joint trial. Further, the property in O.S.No.511 of 2021 is situated within the jurisdiction of Denkanikottai Court and all witnesses and documents are available there, and therefore, transfer of the suit would cause serious inconvenience and prejudice to the 1st respondent. It is also contended that the suit in O.S.No.511 of 2021 is in an advanced stage and the present petition has been filed only to protract the proceedings. Hence, the 1st respondent has prayed for dismissal of the Transfer O.P.

8] The learned counsel for the petitioner would submit that both the suits relate to the same property and therefore they have to be tried together. But, on perusal of the

records, this Court finds that both the suits are different in nature and cannot be treated as identical. In O.S.No.124 of 2019, the suit has been filed for declaration of title and permanent injunction and also against certain Government authorities. In that suit, reliefs are sought against the acts and orders of such authorities. Therefore, the Court has to examine various issues including title, validity of the actions of the authorities and other related aspects. Whereas, in O.S.No.511 of 2021, the suit has been filed only between private parties for permanent injunction and compensation. In that suit, the main issue to be decided is regarding possession and alleged interference. Therefore, even though the property mentioned in both the suits may be the same, the issues to be decided, the parties involved and the nature of enquiry in both the suits are not the same. Hence, both the suits cannot be treated as identical cases for the purpose of joint trial. The petitioner has not clearly explained how separate trials will result in conflicting judgments. No sufficient material has been placed before this Court to show that the evidence in both suits is common in all aspects. It is further seen that O.S.No.511 of 2021 is pending before the competent Court having proper territorial jurisdiction. The petitioner has not shown any valid or genuine difficulty in proceeding with the case before the said Court. On the other hand, if the suit is transferred, it would cause inconvenience to the 1st respondent and the witnesses connected with the case. It is also seen that the suit in O.S.No.511 of 2021 is already in an advanced stage. At this stage, if the transfer is allowed, it will only result in delay of the proceedings. Therefore, this Court is of the view that the present Transfer O.P. has been filed only with an intention to delay the

proceedings and not based on valid legal grounds. Hence, this Court is not inclined to allow the petition.

In the result, this petition is dismissed. No costs.

This Order is dictated to the Stenographer, directly typed by him in computer, corrected and pronounced by me in the open Court on this, the 27<sup>th</sup> day of April, 2026.

Principal District Judge,  
Krishnagiri.

Copy To :

- 1] The Additional District Judge, Hosur.
- 2] The Subordinate Judge, Denkanikottai