

**IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,
MADURAI.**

**PRESENT: THIRU.M.SAISARAVANAN, M.L.,
PRINCIPAL DISTRICT JUDGE,
MADURAI.**

Friday, this the 7th day of August, 2026.

**Tr.O.P.No.149/2024
(CNR No.TNMD01-008016-2024)**

P. Senthilvel

.. Petitioner/ 1st defendant.

Vs.

1. The District Collector,
Madurai.

2. The Sub Registrar,
Thirupparankundram, Madurai.

3. P. Senbagavalli

4. P. Mariappan

5. P. Kandan

6. P. Arumugam

7. S. Murugeswari (Exonerated on 07.08.2026) .. Respondents/ Plaintiffs &
2nd defendant.

This petition coming up today (07.08.2026), for final hearing before me
in the presence of Thiru.M.Venkatesan, Advocate for the petitioner, and of

Thiru.S. Manohar, Advocate for the respondents 3 to 5 and endorsed as “No Counter” and of Thiru. M. Sakthivel, Advocate for the 6th respondent and the respondents 1, 2 and 6 called absent and set exparte, the 7th defendant was exonerated and upon hearing the argument of petitioner side, this court pass the following:-

ORDER

The petitioner has filed this petition under Section 24 of the Civil Procedure Code to withdraw O.S.No.56/2022 pending on the file of Additional District Munsif Court, Thirumangalam and transfer to Sub Court, Thirumangalam to try along with O.S.No.288/2021 pending on file of that court.

2. BRIEF AVERMENTS OF PETITION:-

The 3rd respondent herein filed a suit in O.S.No.56/2022 on the file of Additional District Munsif Court, Thirumangalam seeking the relief of permanent injunction against the petitioner and 6th respondent in this petition. The petitioner filed written statement in that case. The 3rd respondent stated in her plaint that she is the absolute owner of the schedule mentioned properties in O.S.No.56/2022. Already, the petitioner had filed a suit in O.S.No.288/2021 on the file of Sub Court, Thirumangalam seeking partition and permanent injunction against the respondents herein for the same property and other properties. The then Additional District Munsif Court, Thirumangalam in a

hastened manner to dispose the case in O.S.No.56/2022 without giving sufficient time to produce documents and lead the evidence in respective parties to the suit. After framing of issues, the case was posted for trial on 22.08.2024 and on 22.08.2024 itself, evidence on the side of 3rd respondent/ plaintiff was recorded and at the time of marking the document without relying upon the commissioner sketch and report as a document on the plaintiff side, but, the Additional District Munsif, Thirumangalam suo motto marked the Commissioner Report and Sketch as Ex.C.1 and C2, without considering the objection raised on the side of defendant. Thereafter, the suit was posted on 28.08.2024 for cross examination of P.W.1 in O.S.56/2022 and on the day, due to the advocates boycott, the petitioner seeks time for cross examination of P.W.1, but the Additional District Munsif, Thirumangalam himself asked and insisted the petitioner to allow the 3rd respondent to construct the house in the suit property because of her old age and as such the petitioner replied that he has filed O.S.No.288/2021 on the file of Sub Court, Thirumangalam for partition and other reliefs for the same properties mentioned in O.S.56/2022 and other properties. Both suit properties are joint family properties. The Additional District Munsif, Thirumangalam wants to dispose the suit in O.S.No.56/2022 in his own way and in favour of the 3rd respondent/plaintiff and that he violated the Civil Procedure Code. The petitioner is last his confidence to conduct the case in O.S.No.56/2022 before

the Additional District Munsif Court, Thirumangalam. Therefore, in order to avoid multiplicity of proceedings, the suit pending before the Additional District Munsif Court, Thirumangalam in O.S.No.56/2022 has to be transferred to Sub Court, Thirumangalam to be tried jointly along with the suit in O.S.No.288/2021 pending on the file of that court. Hence, this petition.

3. The respondents 1, 2 and 6 called absent and set exparte and the counsel for the respondent 3 to 5 endorsed as “No counter”. Affidavit filed on the side of petitioner stating that she wants to exonerate the 7th respondent and the same was recorded.

4. THE POINT FOR CONSIDERATION:-

Whether the petition has to be allowed or not?

5. Petitioners side has not adduced any oral and documentary evidence.

6. Point:

The petitioner has filed this petition under Section 24 of the Civil Procedure Code to withdraw O.S.No.56/2022 pending on the file of Additional District Munsif Court, Thirumangalam and transfer to Sub Court, Thirumangalam to try along with O.S.No.288/2021 pending on file of that court.

7. The petitioner has filed a suit in O.S.No.288/2021 on the file of Sub Court, Thirumangalam for partition and allot separate portion of 1/6th share in the suit properties and permanent injunction restraining the 3rd defendant from

making any encumbrance in the suit property and other reliefs as prayed in the suit. The 3rd respondent has filed a suit in O.S.No.56/2022 on the file of Additional District Munsif Court, Thirumangalam for the relief of permanent injunction against the petitioner and the 6th respondent herein. The suit properties in both suits are same and the relief claimed in each suits are against each other. The petitioner wants the case pending before the Munsif Court has to be transferred to the Sub Court for joint trial in order to avoid any complications and conflict of decisions. The respondents have no serious objections for transfer the case from Munsif Court to Sub Court. Since the suit properties involved in both suits are same properties and one suit is for partition and another suit is for bare injunction, definitely there is possibility of conflict of decision and in such event both parties may not be in a position to effectively execute the decree, if any, passed in both suits. Moreover, if the suits are tried by two different courts definitely there is possibility of conflict of decision and which may unnecessarily leads to multiplicity proceedings. There is an allegation against the Additional District Munsif, Thirumangalam in the petition as if he has been acting in a biased manner to dispose the case in favour of the plaintiff. The advocate commissioner's report and sketch are court documents and marking of the same as EX.C1 and C2 by the Judicial officer cannot be construed as a biased act of the Judicial officer. However , the respondents have

no objection to transfer the case to the Sub court. Considering the above facts , I am inclined to allow this petition, but however, without admitting the allegations of bias against the judicial officer viz. Additional District Munsif , Thirumangalam.

In the result, this Transfer Original petition is allowed and the suit in O.S.No.56/2022 pending on the file of Additional District Munsif Court, Thirumangalam is ordered to be withdrawn and transferred to the file of Sub Court, Thirumangalam. The learned Sub Judge, Thirumangalam is at liberty to decide as to whether the suits have to be tried jointly or simultaneously. No cost.

Dictated to the Stenographer, transcribed by her, corrected and pronounced by me in open court this the 7th day of August, 2026.

Principal District Judge,
Madurai.

List of witness examined and documents marked on both sides:- Nil

Principal District Judge,
Madurai.