

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

Present: **Tmt.S.Sumathy, M.L.,**
Principal District Judge,
Salem.

Tuesday, this the 10th day of March, 2026.

TRANSFER ORIGINAL PETITION No.268/2025
(CNR.No.TNSA010060812025)

Seerangan

.. Petitioner

/Versus/

- 1) Chinnathambi
- 2) Chinnathayee
- 3) Kandasamy
- 4) Palaniammal
- 5) Perumayee
- 6) Kandhammal
- 7) Chinna Peraman
- 8) K. Palanisamy
- 9) K. Manickam
- 10) Suseela
- 11) Selvi
- 12) Rajagopal
- 13) The Sub-Registrar,
Sub-Registrar Office,
Tharamangalam and Post,
Omalur Taluk, Salem District
- 14) The District Registrar,
The District Registrar Office,
Collectorate Compound, Salem.
- 15) The District Collector,
Collectorate, Room No.101,
1st Floor, Fort Main Road, Salem.

.. Respondents

This petition came up on 24.02.2026 before me in the presence of Tr.M.Senthilkumar, Counsel appearing for petitioner, Tmt.G.Ambika, Counsel appearing for respondents 1 to 6 and 8 to 12,

Tr.A.Madhanmohan, Counsel appearing for respondents 13 to 15, 7th respondent remained ex parte, after hearing the both side arguments, upon perusal of records and having stood over till this day for consideration, this Court delivers the following:

ORDER

This petition is filed under section 24 and 151 of CPC., to order to transfer the suit in O.S.No.57/2022 from the file of the District Munsif Court, Omalur to the file of the Subordinate Court, Omalur to try along with O.S.No.1/2022 pending on its file.

2) **Averments made in the petition in brief:**

The petitioner herein had filed a suit in O.S.No.57/2022 on the file of the District Munsif Court, Omalur against the respondents 1 to 7 and 8 to 15 for the reliefs of declaration and permanent injunction and the same is pending. The respondents 1 to 6 herein had filed a suit in O.S.No.1/2022 on the file of the Subordinate Court, Omalur against the 7th respondent and petitioner for the reliefs of partition and separate possession and the same is pending. The suit in O.S.No.1/2022 was posted for further cross-examination of PW1 and the suit in O.S.No.57/2022 was posted for trial. The properties involved in both the suits and issues are one and same and regarding the very same properties of the petitioner and the respondents 1 to 7 herein since the properties involved in both the suits are the undivided ancestral joint family

properties of the petitioner and the respondents 1 to 7 herein. In both suits, the parties and the documents are similar, and both suits are interlinked with each other. If both the suits are tried separately there will be all possibility of conflicting Judgment and thereby leading to multiplicity of proceedings. So, it becomes just and necessary to transfer the suit in O.S.No.57/2022 from the file of the District Munsif Court, Omalur to the file of the Subordinate Court, Omlaur to try along with O.S.No.1/2022 pending on its file.

3) **Averments made in the counter filed by the 13th respondent and adopted by the respondents 14 & 15, in brief:**

The petition is misconceived, untenable in law and on facts and is liable to be dismissed. The suit in O.S.No57/2022 is pending on the file of the District Munsif Court, Omalur, and another suit in O.S.No.1/2022 is pending on the file of Subordinate Court, Omalur. All parties are not the same in the abovesaid suits. The former suit has been filed for declaration and permanent injunction and later suit is filed for partition and separate possession. The petitioner has deliberately suppressed the material facts and has attempted to create an artificial similarity between two entirely different suits, which are distinct in nature, scope, relief, cause of action, issues and evidence. The application filed by the petitioner is baseless and bereft of merits. There is no cause

of filing for this petition. The petition is filed after the suit O.S.No.57/2022 pending on the file of the District Munsif Court, Omalur is posted for cross-examination of PW1, so it is very much clear from the facts that the petition is filed only to delay the trial process. Hence the petition to be dismissed with costs.

4) The respondents 1 to 6 and 8 to 12 filed a memo stating that, the partition suit was filed and pending before the Subordinate Court, Omalur in O.S.No.1/2022 and the same is posted for evidence and also this suit is pending for the past 4 years. The respondents 1 to 6 and 8 to 12 are the defendants in the suit in O.S.No.57/2022 pending before the District Munsif Court, Omalur, they are senior citizen and are also very sick due to health issues. Suit in O.S.No.57/2022 is posted for trial. The Hon'ble High Court has given direction in CRP.No.2023/2025 to the Subordinate Court, Omalur in O.S.No.1/2022, "In any event considering the fact that the suit in of the year 2022, I direct the learned Sub Judge, Omalur to dispose of the suit in O.S.No.1/2022 on or before 19.12.2025 without seeking any further extension of time". The Hon'ble High Court was given direction in CRP.No.2115/2025 to the District Munsif Court, Omalur in O.S.No.57/2022, as follows: "Considering the limited relief sought for, notice to the 1st respondent is dispensed with. In view of the above, the learned District Munsif, Omalur is directed to dispose of

O.S.No.57/2022, on merits and accordance with law, within a period of three (3) months from the date of receipt of the copy of this order”. The respondents 1 to 6 and 8 to 12 having financial issues and also they are not leading their daily expenses, and they have no objection for transferring the O.S.No.57/2022 from the District Munsif Court, Omalur to the Subordinate Court, Omalur for joint trial with the suit in O.S.No.1/2022.

5) The 7th respondent was called absent and remained exparte.

6) No oral and documentary evidences were adduced on both side.

7) Point for determination:- Whether the petitioner is entitled for the relief as prayed for?

8) Heard both side. Perused the relevant records. This petition is filed by the petitioner to order to transfer the suit in O.S.No.57/2022 from the file of the District Munsif Court, Omalur to the file of the Subordinate Court, Omalur to try along with O.S.No.1/2022 pending on its file. The contention of the petitioner is that he had filed a suit in O.S.No.57/2022 on the file of the District Munsif Court, Omalur against the respondents 1 to 7 and 8 to 15 for the reliefs of declaration and permanent injunction and the same is pending. The respondents 1 to 6 herein had filed a suit in O.S.No.1/2022 on the file of the Subordinate Court, Omalur against the 7th respondent and petitioner for the reliefs of partition and separate

possession and the same is pending. The suit in O.S.No.1/2022 was posted for further cross-examination of PW1 and the suit in O.S.No.57/2022 was posted for trial. The properties involved in both the suits and issues are one and same and regarding the very same properties of the petitioner and the respondents 1 to 7 herein since the properties involved in both the suits are the undivided ancestral joint family properties of the petitioner and the respondents 1 to 7 herein. In both suits, the parties and the documents are similar, and both suits are interlinked with each other. If both the suits are tried separately there will be all possibility of conflicting Judgment and thereby leading to multiplicity of proceedings and prayed to allow the petition.

9) The contention of the respondents No.13 to 15 is that all parties are not the same in the abovesaid suits. The petitioner has deliberately suppressed the material facts and has attempted to create an artificial similarity between two entirely different suits, which are distinct in nature, scope, relief, cause of action, issues and evidence. The application filed by the petitioner is baseless and bereft of merits. There is no cause of filing for this petition and this petition is brought about by the petitioner is to protract cases pending before the respective Courts to delay the proceedings of the cases in both the original suits. There is no merits in this petition and prayed to dismiss the petition.

The respondents 1 to 6 and 8 to 12 filed a memo and stating that they have no objection for transferring the O.S.No.57/2022 from the District Munsif Court, Omalur to the Subordinate Court, Omalur for joint trial with the suit in O.S.No.1/2022.

10) On perusal of records, it is found that the petitioner herein had filed a suit in O.S.No.57/2022 on the file of the District Munsif Court, Omalur against the respondents 1 to 7 and 8 to 15, granting a decree of declaration, declaring the release deed dated 10.09.2020, created by the defendants 1, 2, 4 to 6 in favour of 3rd defendant and registered as document No.4192/2020 of Tharamangalam Sub Registrar Office, as null and void; and declaring the sale deed dated 29.09.2020 created by the defendants 3 and 7 to 10, in favour of 11th defendant and registered as document No.4386/2020 of Tharamangalam Suh Registrar Office, as null and void; granting a decree of permanent injunction, restraining the 11th defendant, from in any manner involving any portion of the suit property in any illegal alienation or encumbrances, under the guise of false and fraudulent documents; and restraining the 12th defendant and their subordinates, from in any manner entertaining any kind of document in respect of any portion of the suit property, if placed by the 11th defendant or anybody else, and the same is pending. The respondents 1 to 6 herein had filed a suit in O.S.No.1/2022 on the file of the Subordinate Court,

Omalur against the 7th respondent and petitioner, granting a preliminary decree of partition dividing the suit properties into (8) eight equal shares, according to the good and bad nature of the soil and area and allot six such shares jointly to the plaintiffs and put them in separate possession thereof, by metes and bounds and making provisions for passing of final decree by appointing a Commissioner to effect partition; and granting a decree of permanent injunction restraining the defendants from in any manner alienating or encumbering any portion of the suit properties to any third parties, before lawful and final partition in respect of the suits properties is effected, and the same is pending.

11) Further, it is also found that the plaintiff in O.S.No.57/2022 is the 2nd defendant in O.S.No.1/2022 and the defendants 1 to 6 in O.S.No.57/2022 are the plaintiffs in O.S.No.1/2022. The property in O.S.No.1/2022 is a portion of the suit property in O.S.No.57/2022. Hence it is acceptable that the parties and properties are almost one and the same and the issues involved in both the suits are interlinked with one another. When that be the case, if both the cases are allowed to be tried in different Courts there is every chance of conflicting Judgments. Two different Judges may take different stand which will cause great prejudice to all the parties concerned. In order to avoid these situations and to have a uniformity in appreciation of law and fact, in both the cases, law

requires both the cases to be tried by one and the same Court. Further, the respondents 1 to 6 and 8 to 12 have no objection to allow the petition, and since the 7th respondent was set exparte, it is deemed that they had no objection in allowing the petition. In the stated circumstances and in order to have effective justice and to avoid conflict in judgments, this Court is inclined to allow the petition.

12) In the result, this petition is allowed. The suit in O.S.No.57/2022 on the file of the District Munsif Court, Omalur is withdrawn and ordered to be transferred to the Subordinate Court, Omalur to try along with the suit in O.S.No.1/2022 pending therein in accordance with law. No costs.

Dictated to Stenographer directly and computerized by her, corrected and pronounced by me in the Open Court, this the 10th day of March, 2026.

Sd/- S.Sumathy,
Principal District Judge,
Salem.

/True copy/