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Tr.O.P..No.22/2026

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, THENI

Present: Thiru. A. Saravanakumar, B.A.,B.L.,
Principal District Judge, Theni

Friday, this the 31st day of July - 2026

Tr.O.P. No.22/2026

C.N.R. No.TNTH01-000952-2026

1. K. Rengasamy Naicker
2. Sakthivel

...Petitioners

/Versus/

1. V. Muthurengu
2. M. Veluchamy
3. M. Perumal
4. M. Murugan
5. Tmt. Panchavarnam
6. Tmt. Velmani

...Respondents

This petition is coming upon 31.07.2025, for today final hearing before me in the presence of Thiru. K. Gnanasekaran, Advocate for the Petitioner and Thiru.T.Ambaashankar, Advocate for the Respondents 1 to 6 and perusing the documents, this court deliver the following :

O R D E R

The present application is filed under Section 24 of the CPC to conduct joint trial of O.S. No.29/2026 pending on the file of District Munsif Court, Periyakulam along with O.S. No.97/2025 on the file of Sub Court, Periyakulam.

31.07.2026

Principal District Judge, Theni.



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2. Petition perused. Counter of the 2nd respondent perused.

3. Records perused. Heard both sides.

4. **The point for the determination is:-**

(1) Whether the petition is to be allowed or not ?

5. No oral or documentary evidence has been adduced on both sides.

Point:

6. This is an application under Section 24 CPC to transfer O.S. No.29 of 2026 pending on the file of learned District Munsif, Periyakulam to Sub Court, Periyakulam for the purpose of conducting joint trial along with O.S. No.97 of 2025.

7. The petitioner submits that in both the suits, the parties and subject matter of the suit schedule properties are one and the same and the reliefs sought for are also in respect of declarations. Therefore, the petitioner submits that if joint trial is ordered, that will facilitate both the parties to put forth their case effectively and interest of justice also requires to do a joint trial.

8. The learned counsel for the 2nd respondent has filed a detailed counter wherein he contends that the allegations stated in the petition are false. It is further submitted that with an intent to prevent the respondent from getting justice this petition has been vexatiously filed. It is further stated that since the



extent and boundaries of the suit properties filed in O.S. No.97 of 2025 are entirely different, transferring the suit to the Sub Court, Periyakulam would cause serious prejudice to the respondent. The learned counsel for the 2nd respondent across the bench argued that instead of ordering joint trial, simultaneous trial may be ordered and the evidence may be recorded separately.

9. This court has considered the submissions of the respective sides. As stated supra, the present petition is filed under Section 24 of CPC. To allow an application under Section 24 CPC, the two conditions must be stated satisfied. They are firstly, the application must be made at the earliest possible opportunity and in all cases where issues are settled at or before the settlement of issues. Secondly, that notice must be given to the other side.

10. In the case on hand, admittedly the application is filed in the earliest possible opportunity. The respondent has also been issued notice and the respondent has filed a detailed counter. Therefore, the two conditions stated under Section 24 CPC is fully complied with.

11. Reverting back to the factual matrix of this case, it is noticed that O.S. No.97 of 2025 is pending before Sub Court, Periyakulam. It is a suit for declaration and recovery of possession. O.S. No.29 of 2026 was filed before the District Munsif Court, Periyakulam wherein the relief of declaration and



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injunction is sought for. A cursory perusal of the case records would go to show that the subject matter involved in both the suits are one and the same. The parties are also one and the same. The reliefs of declaration are also one and the same in both the suits.

12. Therefore, if a joint trial is ordered it would meet the ends of justice between the parties. If this petition is not allowed, it would cause serious prejudice to both the parties in the sense that conflict of interest would arise while recording the evidence. Keeping in view of the overall facts and circumstances of this case, this court is inclined to allow the application.

In the result, the petition is allowed. The suit pending in O.S. No.29/2026 on the file of District Munsif Court, Periyakulam is ordered to be transferred to Sub Court, Periyakulam for the purpose of conducting joint trial along with O.S.No.97/2025. No order as to cost.

Dictated to the Steno-Typist, taken by him in shorthand, transcribed and typed by him, corrected and pronounced by me, in the open court, this the 31st day of July, 2026.

**Principal District Judge,
Theni.**

Petitioner side witness and documents:-

-Nil-



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Respondents side witness and documents:-

-Nil-

**Principal District Judge,
Theni.**

Copy to :-

1. The Sub Court, Periyakulam.
2. The District Munsif Court, Periyakulam.



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Principal District Court,
Theni.
Copy of Order in
Tr.O.P. No.22/2026
Dated : 31.07.2026.

31.07.2026

Principal District Judge, Theni.