

IN THE COURT OF PRINCIPAL DISTRICT JUDGE AT TIRUVALLUR

Present: Dr. J. JULIET PUSHPA, Ph.D.(Law)

Principal District Judge, Tiruvallur

Monday, the 30th day of March, 2026

Transfer Original Petition No.468/2025

(CNR No. TNTR010105382025)

S. Babu

..... Transfer Petitioner/ plaintiff in OS No.295/2024 on the file of Principal District Munsif Court at Poonamallee and defendant in OS No.3/2025 on the file of Sub Court, Poonamallee

//Versus//

A.H. Mujubur Rahman

Respondent / plaintiff in OS No.295/2024 on the file of Principal District Munsif Court at Poonamallee and defendant in OS No.3/2025 on the file of Sub Court, Poonamallee

This petition coming for final hearing before me on 18.03.2026 in the presence of M/s S. Muthukumaravel, M. Saravanapriya, R. Meianban, A. Praveena, N. Alaimagal, Learned Counsel for Petitioner, and M/s M. Vijayakumar, learned counsel for the respondent, upon hearing both side and perusing the entire case records, this Court delivered the following :-

ORDER

Petition filed by the petitioner under Section 24 of Civil Procedure Code to withdraw the Original Suit in O.S.No. 295/2024 pending on the file of Principal Munsif Court, Poonamallee and to transfer the same to Sub Court, Poonamallee to try along with OS No. 3/2025

2. The averments in the Petition filed by Petitioners is as follows :-

According to the petitioner, there are two suits instituted by the parties to this transfer petition. The petitioner herein filed OS.295/2024 before Principal District Munsif Court, Poonamallee for the relief of permanent injunction. While so, the respondent filed OS.3/2025 for the relief of eviction and other reliefs which is pending before Sub Court, Poonamallee. The parties, suit property and the issues involved in both OS.295/2024 and OS.3/2025 are one and the same. Hence, if both the above suits are tried in different courts, it would lead to conflicting judgment. If tried together it may save the time of the court and easier for the court to dispose the suits at the earliest. Hence, it is necessary to transfer OS.295/2024 from the file of Principal District Munsif Court, Poonamallee to the file of Sub Court, Poonamallee for joint trial along with OS No. 3/2025

3. The respondent has not contested this petition. Instead he has filed memo stating “no objection” to this Petition.

4. Neither oral evidence adduced nor documents marked by both side.

5. Now the point for consideration in this petition is

Whether the petition to transfer the suit in O.S.295/2024 from the file of Principal District Munsif Court, Poonamallee to the file of Sub Court, Poonamallee to be tried along with O.S.3/2025 as sought by the petitioner is ordered to be allowed or not ?

6 **POINT:**

Both side heard. Records perused.

This petition is filed by the petitioner to withdraw the Original Suit in O.S. No. 295/2024 from the file of the Principal District Munsif Court, Poonamallee and to transfer the same to the file of the Sub Court, Poonamallee to be tried with O.S.3/2025.

7. The respondents have stated no objection to this transfer petition.

8. On perusal of records and points put forth by the petitioner's counsel, it is learnt that the petitioner has filed OS.295/2024 before Principal District Munsif court, Poonamallee for the relief of permanent injunction restraining the respondent from disturbing the plaintiff's peaceful possession and enjoyment of the suit property and from removing the dog from the 3rd floor and also from entering into the building. Likewise, the respondent herein filed OS.3/2025 before Sub Court, Poonamallee for eviction directing the petitioner herein to quit and deliver the vacant possession of the suit property and also to pay Rs.2,35,000/- towards arrears of monthly rent and Rs.25,000/- per month for use and damage of the premises from November 2024.

9. On perusal of copy of plaints filed in this case, the suit property and parties are one and the same. From the averments in the plaint, it appears that the petitioner herein is the tenant and the respondent is the owner of the suit property. While the petitioner filed the suit for bare injunction, the respondent filed the suit for eviction. Further, the cause of action found in the plaints shows the main

cause of action is with respect to the alleged agreement of rent between the petitioner and respondent. Therefore, it is clear that cause of action in both the suits are with reference to dispute of tenancy between the parties. Moreover, the respondent has no objection to this transfer petition.

10. As far as the stage of the both suits are concerned, trial has not commenced. Thus, the issues involved in OS.295/2024 is substantially connected with that in OS.3/2025. Thus, the case of the petitioner that the issues involved in both the suits are same is acceptable.

11. Since parties, and the suit property in both these suits a same, trying these suits in two different Courts will definitely lead to hardship to both parties. There will be possibility of conflicting judgments if both these suits are tried separately in two different courts since the issues involved in both the suits are substantially same. Further, OS.295/2024 is for bare injunction, while OS.3/2025 is a comprehensive suit. Hence, transferring the suit in O.S. 295/2024 which is now pending on the file of Principal District Munsif Court, Poonamallee to the file of Sub Court, Poonamallee will not prejudice the respondent in any way. Even this petition is not contested by the respondent and stated no objection.

12. Thus, in view of the above discussions and facts and circumstances, in order to avoid conflicting findings by two different Courts, considering the facts that parties, issues involved and also the schedule of property in both the suits are same, to prevent multiple proceedings and conflicting decisions on the same cause

of action , this Court is inclined to entertain this Transfer Original Petition, thereby ordering transfer of OS.295/2024 from the file of Principal District Munsif Court, Poonamallee to the file of Sub Court, Poonamallee for disposal along with O.S.3/2025.

In the result, this petition is allowed. The entire case records in OS.295/2024 on the file of District Munsif Court, Poonamallee is hereby withdrawn from its file and the same is transferred to the file of Sub Court, Poonamallee for disposal along with O.S.3/2025. The Principal District Munsif, Poonamallee is directed to transmit the entire case records in OS.295/2024 to Sub Court, Poonamallee within 15 days from the date of receipt of the order copy. The learned Subordinate Judge, Poonamallee is directed to dispose of both the suits (OS.295/2024 and O.S.3/2025) in accordance with Law, on merits and the Subordinate Judge, Poonamallee may decide as to whether joint trial or simultaneous trial, depending upon case nature. No costs.

Dictated to the Steno-Typist, transcribed by him, corrected and pronounced by me in the Open Court, on this the 30th day of March, 2026

**PRINCIPAL DISTRICT JUDGE,
TIRUVALLUR**

**Witnesses and Exhibits on the side of
Petitioners and respondents : NIL**

**PRINCIPAL DISTRICT JUDGE,
TIRUVALLUR**