

In the Court of the Principal District Judge, Thoothukudi

Present : Tmt.S.Subadevi, B.A., B.L., M.B.A.,
Principal District Judge, Thoothukudi.

Friday, the 21st day of August 2026

Tr.O.P No.349/2025

[CNR No. TNTT01-003321-2025]

Kannan @ Narayanan

... Petitioner

/ versus //

Executive Officer,

Arulmigu Sankara Rameswarar Temple,

Thoothukudi.

... Respondent

This petition has come up before this Court on 13.08.2026 for final hearing in the presence of Thiru.P.Swamy Ayya, Advocate for the petitioner, Thiru.G.Selvam, Advocate for the respondent, though sufficient time granted, the respondent's counsel has not come forwarded to argue the case, upon hearing the argument of the petitioner, on perusing the available records and having stood over for consideration till this day, this Court passed the following

ORDER

- 1) The petitioner has filed this petition u/s. 24 of The Code of Civil

Procedure, to transfer O.S. No.70/2022 pending on the file of Additional District Munsif Court, Thoothukudi to the file of Principal District Munsif Court, Thoothukudi to be tried along with O.S. No.71/2022.

2) The brief averments of the petition are as follows :

The 1st and 2nd schedule properties belong to Arulmigu Sankara Rameswarar Temple. The respondent is managing the temple properties by leasing them. The petitioner is the lessee of the petition schedule properties under the respondent. The respondent sent notice on 10.03.2022 for both schedules. Challenging the said notice, the petitioner filed two suits before the Principal Munsif Court, Thoothukudi. The said suits were consecutively numbered as O.S. No.70/2022 and O.S. No.71/2022. As per the practice prevailing in the District Munsif Court, Thoothukudi the suits which are assigned odd numbers will be retained by the Principal District Munsif, Thoothukudi and the suits which were assigned even numbers were transferred to Additional District Munsif Court, Thoothukudi. By following the said principle, the O.S. No.71/2022 was retained in Principal District Munsif Court and the suit O.S. No.70/2022 was transferred to Additional District Munsif Court, Thoothukudi and in the respective Courts both suits were ripped for trial. In this circumstances, both the suits will be tried in two different Court. Even though the issues and the facts in both suits are similar, if they are tried

separately there is every chance of having two conflict judgments. Therefore, to prevent the said eventuality both suits have to be tried in one Court. For the said aspect the petitioner has come forward with this petition to transfer the suit pending before Additional District Munsif Court, Thoothukudi to Principal District Munsif Court, Thoothukudi to be tried along with O.S. No.71/2022 pending before the Principal District Munsif Court, Thoothukudi. Hence, the petition is to be allowed as prayed for.

3) **The brief averments of the counter filed by the respondent are as follows :-**

The transfer petition filed by the petitioner is not maintainable either in law or on facts. It is wholly unsustainable, misconceived and filed only to delay the Court proceedings. Hence, it deserves to be dismissed in limine. The petitioner has not shown any valid or compelling reason for transferring O.S. No.70/2022 from the file of the Additional District Munsif Court, Thoothukudi. The petitioner's only ground is that O.S. No.70/2022 is pending before the Additional District Munsif Court and O.S. No.71/2022 is pending before the Principal District Munsif Court and both suits arise from "similar notices", which may lead to "conflicting judgments". Mere similarity of issues is never a ground for transfer. Courts have repeatedly held that similarity of facts, cause of action, or evidence does not justify u/s. 24 of CPC. Both Courts are

competent and legally established Courts. The suits have been assigned based on the usual administrative practice of odd/even numbering. The petitioner himself admits this. Thus, he cannot now seek transfer simply because he prefers one Court over another. The allegation that two Courts may deliver conflicting judgments is purely speculative. The suits relate to different schedule properties, and although the notices dated 10.03.2022 may be similar, the boundaries, extents, and terms differ. The petitioner is wrongly attempting to combine two independent lease disputes, which cannot be done. Imaginary chances of conflicting judgments cannot be a ground for transfer. Both suits are already ripe for trial as admitted by the petitioner. Transferring the case now will only cause unnecessary delay and prejudice the respondent temple. Courts have consistently held that when trial has commenced or is about commence, transfer should not be ordered unless exceptional hardship is shown. No such hardship is shown here. The petitioner has filed this petition only with an ulterior motive. He is a lessee facing eviction proceedings based on the notices dated 10.03.2022. This petition is filed solely to delay the eviction proceedings and avoid a proper adjudication. The respondent temple, being a public religious institution is entitled to speedy disposal of matters involving temple properties and revenue. The petitioner resides in Thoothukudi and both Courts are located in the same Thoothukudi Court Campus. No inconvenience or

hardship has been shown. Hence this transfer petition deserves to be dismissed.

4) No witness was examined and no exhibits were marked on both side.

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

Whether the petition is to be allowed or not ?

On point :

6) The petitioner has filed this petition seeking transfer the O.S. No.70/2022 pending before the Additional District Munsif Court, Thoothukudi to Principal District Munsif Court, Thoothukudi to be tried along with O.S. No.71/2022.

7) The learned petitioner's counsel argued that, the 1st and 2nd petition schedule properties belong to Arulmigu Sankara Rameswarar Temple. The respondent is managing the temple properties by leasing them. The petitioner is the lessee of the petition schedule properties under the respondent. The respondent sent notice on 10.03.2022 for both schedules. Challenging the said notice, the petitioner filed two suits before the Principal Munsif Court, Thoothukudi. As per the practice one suit posted to Principal District Munsif Court and another suit O.S. No.70/2022 posted to Additional District Munsif Court, Thoothukudi. Both suits were ripe for trial. If both suits are tried by two different Courts, there is a possibility of conflicting judgments. In support of

his contention, the learned counsel for the petitioner relied the citations reported in (1) (1960) AIR (Kerala) 199 [District Collector, Kozhikode and others vs. Kerala Varma Kovil Thampuran and others] (2) (1999) 6 ALT 398 [Kanuru Basava Punnarao vs. Puttagunta Nageswara Rao].

8) On the other hand, the respondent has stated in his counter that mere similarity of issues is never a ground for transfer. Similarity of facts, cause of action or evidence does not justify transfer u/s. 24 of CPC. The suits related to different schedule properties and although the notices dated 10.03.2022 may be similar, the boundaries, extents and terms differ. The petitioner is wrongly attempting to combine two independent lease disputes which cannot be done. As admitted by the petitioner, both suits are already riped for trial. Therefore, transferring the case now will only cause unnecessary delay and prejudice the respondent temple. When trial has commenced or is about to commence, transfer should not be ordered unless exceptional hardship is shown. This petition is filed solely to delay the eviction proceedings and avoid a proper adjudication. The respondent temple being a public religious institution, is entitled to speedy disposal of matters involving temple properties and revenue and prayed for the dismissal of the petition.

9) A careful perusal of records and hearing of the arguments on petitioner, the petitioner has filed suit as against the temple and the same has been

numbered as O.S. No. 70/2022 and 71/2022. One case is pending on the file of Principal District Munsif Court, Thoothukudi and another case is pending on the file of Additional District Munsif Court, Thoothukudi. In both suits, the petitioner is seeking declaration that the notice dated 10.03.2022 sent by the respondent is null and void and for permanent injunction restraining the respondent from collecting the amount in the said notice from the petitioner. The schedule property mentioned in O.S.No.70/2022 is Door No.24/2A and in O.S. No.71/2022 is Door No.24/2.

10) It is an admitted fact that the properties in both suits belong to the respondent temple and the petitioner is a lessee in the said properties under the respondent. Further, the cause of action and parties in both suits are one and the same. Both suits are ripe for trial. The petitioner has stated that there is no condition that, for transferring two suits the property in both the suits shall be the Same. However, in the present case, both cases revolve around the property belonging to Arulmigu Sankara Rameswarar Temple. The issues to be decided are one and the same. In the judgment relied by the learned counsel for the petitioner reported in (1960) AIR (Kerala) 199 [District Collector, Kozhikode and others vs. Kerala Varma Kovil Thampuram and others] the Hon'ble Kerala High Court held that, "where there are two suits which raise certain common questions of facts and law, having a substantial bearing on the decision of each

of the cases, it is obviously desirable, that they should be tried at the same place and by the same Judge. This course is necessary to avoid multiplicity in the trial of the same issues, and conflicting decisions". The relied judgment is squarely applicable to the present case. The petitioner is not seeking joint trial. Admittedly the parties are one and the same and the issues involved in two cases are one and the same. If the petition is allowed, no prejudice will be caused to the respondent. In order to avoid multiplicity of proceedings, this Court allowed the petition and the point is answered accordingly.

In the result, this petition is allowed and the suit O.S. No.70/2022 pending on file of Additional District Munsif Court, Thoothukudi is withdrawn and transferred to the Principal District Munsif Court, Thoothukudi to try along with O.S.No.71/2022 which is pending on the file of Principal District Munsif Court, Thoothukudi.

Dictated by me to the stenographer, transcribed and typed by her into computer and corrected and pronounced by me in the open court, on this the 21st day of August 2026.

Principal District Judge,
Thoothukudi.

Witnesses examined and exhibits marked on both sides :

NIL.

Principal District Judge,
Thoothukudi.

Copy to:

- 1) The Principal District Munsif, Thoothukudi
- 2) The Additional District Munsif, Thoothukudi.

Principal District Court, Thoothukudi
Tr.O.P No.349/2025,
Draft/Fair /Copy Order,
Dated : 21.08.2026.
