

TNVP010051862025



In the Court of the Principal District Judge, Villupuram.

**Present : Thiru.A. Manimozhi, B.A., LL.B.,
Principal District Judge, Villupuram.**

Friday, the 31st day of July 2026

Transfer O.P. No.86/2025

- 1) Vasantha
- 2) Geetha
- 3) Rama

... Petitioners

/Vs/

- 1) Suriyanarayanan
- 2) Parimala alias Parimalam
- 3) Selvaraj Reddiyar (***Died***)
- 4) Vijayalakshmi
- 5) Sugapriya
- 6) Sumitra
- 7) Suganthi
- 8) Rajesh

- 9) Suman
- 10) Kuppan
- 11) Bhuvaneshwari
- 12) The Branch Manager,
Union Bank of India, Chetpet.

... Respondents

This Petition coming on 08.07.2026 before me for final hearing in the presence of Thiru.V.Rajasekaran, Advocate for the Petitioners; and Thiru.N.Kannadasan, Advocate for the Respondent Nos.4 to 9; and Thiru.K.Anandaram, Advocate filed a vakalath for 1st Respondent, but no counter was filed on behalf of the 1st Respondent, and the 1st respondent was called absent and set exparte; and the 3rd Respondent reported to be dead; and though the Respondent nos.2, and 10 to 12 were duly served, they were called absent and set exparte; and upon hearing the arguments of both sides and on perusing the records and having stood over for consideration till this day, this court passed the following

ORDER

The petitioners have filed this petition under Section 24 of the Code of Civil Procedure, seeking the transfer of O.S. No.20/2016, pending on the file of the Additional District Court, Villupuram, to the file of the

I Additional District Court, Tindivanam, to be tried along with O.S.No.224/2022, pending on its file.

2) The averments made in the petition in brief are as follows :-

a) The 3rd Respondent, Selvaraj, filed O.S.No.20/2016 against Respondent Nos.1 and 2, seeking the relief of Specific performance and alternative remedy and the same is pending before the Additional District Court, Villupuram. During the pendency of the suit, Selvaraj died intestate on 07.06.2021 leaving behind the Petitioners and his illegitimate children namely Respondents 5 to 9, as his legal heirs. Originally, Respondent Nos. 5 to 9, along with their mother, filed an impleading petition to continue the suit as the legal representatives of Selvaraj without adding the Petitioners. The Petitioners being the class-I legal heirs of late Selvaraj, opposed the said petition. Hence, the said petition was dismissed, and the Hon'ble Court directed that a fresh application be filed with proper legal heirs of late Selvaraj. Thereafter, the Petitioners were impleaded.

b) In the mean-while, the Petitioners have filed a suit in O.S.No.224/2022 against Respondent Nos. 5 to 12, seeking the relief of partition, and the suit is pending before the I Additional District Court, Tindivanam. The 4th Respondent cannot be considered as a legal heir of

the late Selvaraj as long as the 1st Petitioner is alive.

c) Both suits are ripe for trial. If they are tried separately by two different Courts, there is a possibility of conflicting Judgments, besides sheer waste of the precious time of the Hon'ble Courts. The parties to both suits are the same, and one of the issue to be decided is about legal heirs of late Selvaraj (3rd Respondent) and also shares of the parties. In the interest of justice, it is necessary that both suits have to be consolidated and tried together in-order to avoid multiplicity of proceedings and the possibility of conflicting Judgments. No prejudice will be caused to anybody by transfer of the suit. Hence, this e petition.

3) The averments made in the Counter filed by the 4th Respondent and adopted by Respondent Nos. 5 to 9, in brief, are as follows :-

a) The Petitioners have to prove the averments made in their petition. The facts are that the 3rd Respondent, along with his paternal grandmother, Vellachiammal, had filed Transfer O.P.No.61/2022 already, seeking joint trial of O.S.No.20/2016 along with O.S.No.231/2016, pending on the file of Principal District Munsif Court, Gingee and the said petition was dismissed on 21.02.2022, on merits. The Petitioners filed an impleading petition to add the Petitioners as parties and pending in

O.S.No.231/2016. The present petition has been filed by suppressing the said fact.

b) Further, already trial commenced, PW1 was examined on the Plaintiff side, PW2 was also examined in chief and pending for cross examination of PW2, in O.S.No.20/2016. The Respondents 1 and 2, on coming to know that they would not get any benefit in O.S.No.20/2016, have set up the Petitioners at their costs and filed the petition to protract the proceedings. At the instigation of Respondents 1 and 2, the Petitioners have been filing unnecessary petitions one after another in O.S.No.20/2016. The Petitioners have been impleaded as Defendants 3 to 5 in O.S.No.20/2016, only on the instructions by the Additional District Court, and also as the Respondents did not want to prolong the litigation.

c) The suit filed by the Petitioners before the Additional District Court No.1, Tindivanam, is for partition. Whereas, the suit pending on the file of Additional District Court, Villupuram, is for specific performance of a registered sale agreement. The Petitioners are in no way connected to the said sale agreement. The claim of the Petitioners that they are the legal heirs of late Selvaraj, is itself under dispute and the Petitioners are primarily bound to prove that they are the legal heirs of late Selvaraj and

only then they could claim right in the properties left out by late Selvaraj. Therefore, the present petition of the Petitioners for transfer of O.S.No.20/2016 is not valid under law.

d) The Petitioners, who claim to be the wife and daughters of late Selvaraj, did not attend the condolence of Selvaraj and they did not participate in any rituals and they have never been seen by any persons in the village. Further, the Petitioners never visited the village to see late Selvaraj when he was on his deathbed. After the demise of Selvaraj, by collecting information from some unwanted persons, the Petitioners filed the suit and the petitions with the intention to grab the properties of late Selvaraj.

e) The parties in both suits are different. Both suits have been filed on different causes of action and seeking different reliefs. Therefore, there is no possibility for a joint trial of both suits. Without filing any documents to prove their claim, the Petitioners have filed this vexatious petition with an intention to protract the proceedings. The petition filed even before the decision about the true legal heirs in I.A.No.3/2021 in O.S.No.20/2016, is liable to be dismissed at the threshold. The petition filed by suppressing the true facts, is liable to be dismissed with costs.

4) The Respondent Nos.1,2, and 10 to 12 were called absent and set exparte.

5) In the enquiry no witness was examined and no document was marked on either side. Heard arguments on both sides and perused the records.

6) Points for Consideration are :-

1. Whether O.S.No.20/2016, pending on the file of the Additional District Court, Villupuram, ought to be transferred to the Court where O.S.No.224/2022 is pending, for a joint trial, in order to avoid conflicting decisions?

2. Whether the petition has to be allowed?

7) Answer for the Point Nos. 1 and 2:-

a) The learned counsels appearing on either sides have advanced their arguments in the same lines of their petition and counter statement. The learned counsel for the Petitioners has further submitted that, if there is was no possibility for joint trial, simultaneous trial may be ordered by the same court to avoid further complications.

b) The learned counsel for the Respondents would mainly contend that both the suits are distinct in nature, the parties, cause of action, and the

reliefs sought for are entirely different, and so, there is no necessity for a joint trial or simultaneous trial. It is also further contended that prior Transfer O.P No.61/2022 was allowed to be dismissed for default and the said fact has been suppressed by the Petitioners in the present petition.

c) O.S.No.20/2016, pending on the file of Additional District Court, Villupuram, is a suit for specific performance filed by the Plaintiff namely Selvaraj Reddiyar. After his demise pending suit, his legal heirs were impleaded and prosecuting the said suit as Plaintiffs 2 to 7. The present Petitioners were originally not parties to the said suit. They have been impleaded subsequently as Defendants 3 to 5 as they filed petition claiming that they are also the legal heirs of deceased Selvaraj Reddiyar. The said suit is now pending at the stage of cross examination of PW1.

d) O.S.No.224/2022 is filed by the present Petitioners, as Plaintiffs, against the present Respondents 5 to 12, claiming partition of their shares in the properties left out by late Selvaraj Reddiyar. The said suit is pending on the file of the I Additional District Court, Tindivanam. The trial is yet to be commenced in the said suit.

e) The present petitioners 1 to 3, who are the Plaintiffs 1 to 3 in

O.S.No.224/2022, have claimed in the said suit that the 1st Petitioner married Selvaraj Reddiyar in the year 1967, and that Petitioners 2 and 3 are the daughters born to him through 1st Plaintiff, and that he passed away on 07.06.2021, leaving them as his legal heirs. They have also claimed that late Selvaraj Reddiyar had five other children through his concubine, Vijayalakshmi and they are arrayed as Defendants 1 to 5 in the suit. There is no dispute about the said aspects stated above.

f) Transfer O.P. No.61/2022 was originally filed by one Vellachiammal (since died) and the present 1st Respondent, for transfer of O.S.No.231/2016 from the file of the Principal District Munsif Court, Gingee, to the file of Additional District Court, Villupuram for a joint trial along with O.S.No.20/2016. In the said petition, the present Petitioners were arrayed as Respondents 4 to 6. It appears that O.S.No.231/2016 was filed by Vellachi Ammal (the grandmother of the present 1st Respondent), seeking the relief of declaration of title and consequential injunction in respect of the properties which are involved in O.S.No.20/2016, against the present Respondents 2 and 3 and one Sivaraman. However, the said Transfer O.P was subsequently dismissed for default on 21.03.2023 and it is stated that the said suit is still pending on the file of the Principal District

Munsif Court, Gingee, wherein I.A.No.169/2025 was filed to implead the legal heirs of 3rd Defendant, Selvaraj, as Defendants 5 to 13, and the same is pending. Therefore, the said dismissal of the earlier Transfer O.P is nothing to do with the present petition seeking transfer of the suit from the file of the Additional District Court, Villupuram to the file of the Additional District Court, Tindivanam.

g) As per Section 24 of the Code of Civil Procedure, the main object in deciding a transfer petition is to avoid contradictory verdicts from different Courts dealing with substantially overlapping questions of fact and law. It is not in dispute that the legal heirship of the original Plaintiff in the 2016 suit, namely, the late Selvaraj Reddiyar, forms the subject matter of both the Specific performance suit and the subsequent partition suit. The adjudication of the legal heirship dispute between the branches of the two wives of late Selvaraj Reddiyar is a foundational pre-requisite, that directly impacts, who possess the legal standing to represent the estate of the deceased in this specific performance suit, and how the suit property is to be apportioned among the true legal heirs in the partition suit. Trying these two suits independently before two separate Courts would carry the risk of conflicting Judgments and the same may lead to multiplicity of

proceedings. Of-course, the causes of action for both the suits may be different, and there may be some difficulties/inconvenience in conducting a joint trial of both suits; but by issuing a direction for simultaneous trial would remove such obstacles, if any. Hence, this Court finds no merit in the objections raised by the contesting Respondents.

h) O.S.No.224/2022, being the suit for partition, is a comprehensive suit, wherein the issue of legal heirship would be a crucial aspect to be decided. Admittedly, the properties involved in both the suits are situated within the territorial jurisdiction of the Tindivanam Court. The main contesting Defendants are also residing within the said jurisdiction, and some of the parties are residing outside Villupuram District. Hence, even though O.S.No.20/2016 is the earlier suit, this Court feels that the said suit has to be transferred to the I Additional District Court, Tindivanam, even on the point territorial jurisdiction.

i) For the reasons and discussions held above, this Court decides that O.S.No.20/2016 is to be transferred from the file of the Additional District Court, Villupuram, to the file of the I Addl. District Court, Tindivanam, for joint/ simultaneous trial along with O.S.No.224/2022, and that the petition has to be allowed. The Point Nos.1 and 2 are answered accordingly.

RESULT

In the result, this Transfer O.P is allowed on the following terms:-

i) that the suit O.S.No.20/2016, pending on the file of the Additional District Court, Villupuram, is hereby withdrawn and transferred to the file of the I Additional District Court, Tindivanam for joint/ simultaneous trial along with O.S.No.224/2022 pending on its file.

ii) that the transferor Court is directed to transmit the entire records of O.S.No.20/2016, duly indexed, to the transferee Court forthwith.

iii) that both parties are directed to appear before the transferee Court on 17.08.2026.

iv) that the transferee Court shall take the suit on file and conduct a joint/simultaneous trial of both suits by recording common evidence on the overlapping issues of legal heirship, if deemed appropriate by the Trial Court.

v) that considering the fact that O.S.No.20/2016 is an old suit, the transferee Court is required to expedite the trial and dispose of both suits at the earliest by giving preference; and

vi) that both parties are directed to bear their respective costs.

Order dictated by me to the Stenographer, transcribed by her

in the Computer, corrected and pronounced by me, in the open Court, this 31st day of July 2026.

**Principal District Judge,
Villupuram.**

List of witness examined on the side of the Petitioners :-

- Nil -

List of document marked on the side of the Petitioners :-

- Nil -

List of witness examined on the side of the Respondents :-

- Nil -

List of document marked on the side of the Respondents :-

- Nil -

Dictated on : 30.07.2026

Transcribed on : 30.07.2026

Checked on : 30.07.2026

Signed on : 31.07.2026

sd/- A.M
**P.D.J,
VPM.**

Draft/Fair/ Copy Order
Tr.O.P.No.86/2025
Dated : 31.07.2026.