

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

Present: **P. Mohan Raj, M.A., B.L.,**
Principal District Judge, Salem.

Wednesday, the 2nd day of January, 2019.

TRANSFER ORIGINAL PETITION
No.1/2017

(In the matter of transfer of the suit in O.S.1320/2012 pending on the file of
II Additional District Munsif Court, Salem to try along with the suit in O.S.62/2011
pending on the file of II Additional District Court, Salem in O.S.No.62/2011.

-

Santhi @ Santhakumar.

...Petitioner.

-vs-

1. S.Srikannan.
2. S.Bhama Devi.
3. S.Priya.
4. S.Durga Devi.
5. S.Lakshmi.
6. S.Kumar.
7. The Sub-Registrar, Dhadagapatti.

...Respondents.

This petition is coming on today (02-01-2019) for final hearing before me in the presence of Thiru.D.Easan, Advocate for the petitioner and though Thiru.V.Manivannan, Advocate filed vakalat for R-1, subsequently R-1 called absent, no representation and the respondents 1 to 6 called absent and set exparte and of Thiru.S.P.Bhuvaneswaran, Government Pleader for R-7 and upon perusing petition and other relevant records, having stood over for consideration till this date, this Court made the following

ORDER

This petition is filed U/Sec. 24 of CPC seeking an order of transfer of the suit in O.S.1320/2012 pending on the file of II Additional District Munsif Court, Salem to try along with the suit in O.S.62/2011 pending on the file of II Additional District Court, Salem in O.S.No.62/2011.

2.1 There are two suits: O.S.1320/2012 and O.S.62/2011. The suit in O.S.1320/2012 is pending on the file of II Additional District Munsiff Court, Salem and the suit in O.S.62/2011 is pending on the file of II Additional District Court, Salem. The petitioner has now come forward with this petition for transferring the suit in O.S.1320/2012 pending on the file of II Additional District Munsiff Court, Salem to the II Additional District Court, Salem to try along with the suit in O.S.62/2011.

2.2 Before elaborating on the cause alleged for preferring the petition let the nature of two suits be

stated:

- Both the suits were initiated by the petitioner herein Viz., O.S.1320/2012 is against the respondents for declaration of the decree passed by the I Addl. District Munsif, Salem in O.S.No.784/2009, dated : 12-11-2010 against R-2 to R-4 in favour of R-1 as null and void and permanent injunction against R-1 and his men, agents, power of attorneys and any other authorized persons from encumbering or alienating the suit property to 3rd parties. O.S.62/2011 is filed against R-5 and R-6 and one Kannan and Durga Devi for partition of 1/5th share in the suit property and for cancellation of Will dated : 03-06-1991.

3. In the counter filed by R-7 it is stated that he is not a party to the suit in O.S.62/2011 and he is a party to the suit in O.S.1320/2012 and the allegations made in the petition are no way connected with this respondent and prays to dismiss the petition.

4. There are two suits. For details paragraph 2 may be revisited. The reliefs and allegations in both the suits are between the same set of parties and the reliefs claimed are with regard to the same property. An apparent reading of the plaints in both these suits, it is seen that the allegations and the reliefs claimed in both the suits against interconnected with each other and the suit property in both the suits are similar and are essentially between same set parties and the issues to be decided in both the suits are inter connected with each other and the issues to be decided in both the suits are inter connected with each other, it is for the Court that holds the trial to decide if it is possible to hold joint trial based on rival pleadings of both the parties.

5. In the result, this petition is allowed and the suit in O.S.No.1320/2012 pending on the file of II Additional District Munsiff Court, Salem is ordered to be withdrawn and transferred to the II Additional District Court, Salem to try along with the suit in O.S.No.62/2011. **The transferee Court shall decide whether these cases have to be tried jointly or simultaneously.** No costs.

Dictated to the Steno-typist, directly typed by her, corrected and pronounced by me in the open Court, this the 2nd day of January, 2019.

sd/- P.Mohan Raj,
PRINCIPAL DISTRICT JUDGE ,
SALEM.

**Copy to: The II Additional District Munsiff, Salem.
The II Additional District Judge, Salem.**

vs/