



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-02-2026

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CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 369 of 2026 and

CMP No 2109 of 2026

Mohan, S/o. Jayabal,
No. 1/51, Vinayagar Koil Street,
Thiruvathikunnam Village,
Gingee Taluk.

..Petitioner(s)

Vs

1. Prabahar ,S/o. B.Sankaran,
No. 125, Dr.Natesan Salai,
Triplicane, Chennai-05
2. A.J.Chiristobar, S/o. Anthoni,
No. 1/314, Villupuram Road,
Ottampattu Village, Gingee Taluk.
3. Venkatraman, S/o. Shanmugam Naicker,
No. 14, Dr.Natesan Sali,
Krishnampettai, Triplicane, Chennai-05
4. Vijayaragavan, S/o. Shanmugam Naicker,
No. 361, New No. 46, Avvai Shanmugam Salai,
Royapettai, Chennai-14.
5. J.C.Johnmary Iren, W/o. A.J.Chirstobar,
No. 1/314, Villupuram Road,
Ottampattu Village,Gingee Taluk,
6. The Sub Registrar, Sub Registrar Office,
Tindivanam Sali, Gingee.

..Respondent(s)



Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to allow the CRP thereby set aside the Fair and Decreetal order dated 11-11-2025 passed in Transfer OP No. 15/2024 on the file of the Principal District Judge, Villupuram.

For Petitioner(s): Mr. B.Gurunathan

For Respondent(s): Mr.N.Muthuvel,
Govt.Advocate for R6.

ORDER

This civil revision petition is filed, challenging the order passed by the learned Principal District Judge, Villupuram, withdrawing the suit in O.S.No.33 of 2022 filed by the petitioner on the file of Subordinate Judge, Gingee, seeking declaration and injunction and transferring the same to the file of Additional District Judge-I, Tindivanam for joint trial along with O.S.No.52 of 2023.

2. It is not disputed that the respondents 1 and 2 are also filed a suit for declaration and injunction against the petitioner in O.S.No.52 of 2023 on the file of Additional District Court No.1, Tindivanam. Since the subject matter of the suits are one and the same, the learned Principal District Judge, Villupuram was pleased to withdraw the suit in O.S.No.33 of 2022 filed by the petitioner



and transferred the same to the file of Additional District Court No.1, Tindivanam for joint trial along with O.S.No.52 of 2023.

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3. In the impugned order, the learned Judge clearly observed that the main dispute in both the suits involves around two Wills dated 25.04.1994 and 06.12.1994 executed by Shanmugham and hence the issues involved in both the suits are one and the same. If the suits are allowed to proceed before two different courts, there is a likelihood of conflicting verdicts by two different courts. When the subject matters and the issues involved in both the suits are one and the same, the learned Principal District Judge was justified in transferring the suit in O.S.No.33 of 2022 filed by the petitioner before the Subordinate Judge, Gingee to the file of Additional District Judge-I, Tindivanam for joint trial with O.S.No.52 of 2023. Therefore, I do not find any error in the impugned order passed by the Trial Court.

4. The learned counsel for the petitioner submits that O.S.No.292 of 2022 filed by the 5th respondent herein pending on the file of Sub Court, Gingee and O.S.No.21 of 2024 pending on the file of Additional District Judge-II, Tindivanam are also connected with the present suits. Therefore, without transferring the other two connected suits, the learned Principal District Judge, Villupuram ought not have transferred one suit alone.



5. In the transfer petition filed before the learned District Judge, transfer of suit in O.S.No.33 of 2022 alone was sought for and he ordered it. If the petitioner wants to transfer of O.S.No.292 of 2022 and O.S.No.21 of 2024 for joint trial along with O.S.No.52 of 2023, it is for him to file appropriate application before the Principal District Judge, Villupuram.

6. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The Principal District Judge, Villupuram.



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S.SOUNTHAR, J.

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