

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, COIMBATORE

Present: **Tmt. G. VIJAYA, B.A., M.L., PGDCFS**
Principal District Judge, Coimbatore.

Monday, this the 16th day of March 2026

திருவள்ளூர் ஆண்டு 2057 தமிழ் விசுவாச ஆண்டு பங்குனி மாதம் 02ம் நாள்
திங்கள்கிழமை

TRANSFER ORIGINAL PETITION No.55/2026

CNR No.TNCB010008862026

1. P. Maragatham
2. B. Revathi
3. P. Sivakumar

... Petitioners

/vs/

1. P. Janarthanan
2. P. Nandakumar
3. P. Viswanathan
4. V. Neelavathi
5. Vasanthamani
6. Suguna
7. Jayakumar
8. Parthasarathy
9. Vimala
10. Hemanth
11. Ramani
12. Chitra
13. N. Saravanakumar
14. Rajamani
15. Revathi
16. Ravichandaran

17. Padmavathy
18. Shyamala
19. Surekha
20. Jankiraman
21. L. Ravikumar
22. M. Kabilan
23. Sumathi
24. Prem kumar
25. Kabil Dev

... Respondents

This petition came up before me for final hearing on 02-03-2026 in the presence of **Sri. K.S. Venkatesamurthy**, Advocate for the Petitioners and of **Thiru. S. Muthu**, Advocate for the Respondents 14 to 16 and **Tvl. R. Gangatharan, G. Thilakavathy, T. Vasantharajan, S. Sugivignesh and D. Niraimathy**, Advocates for the Respondents No.20 to 22 and Respondents No.1 to 13, 17 to 19 and 23 to 25 remained ex-parte in the learned Trial Court, hence notice to them is dispensed with and upon perusing the petition and the counter statement and other relevant records and hearing the arguments of both sides and having stood over for consideration till this day, this Court passed the following

ORDER

This petition has been filed by the Petitioners under Section 24 of Civil Procedure Code to transfer the suit O.S.No.110/2013 pending on the file of the learned Principal Subordinate Judge, Coimbatore to the file of the learned I

Additional District Judge, Coimbatore to try jointly with the suit in O.S.No.253/2025 pending thereon.

2. Averments contained in the petition :

i. The Petitioners herein as Plaintiffs have filed a suit for partition against the Respondents and the same is pending as O.S.No.110 of 2013 on the file of the learned Principal Subordinate Judge of Coimbatore.

ii. The case of the Petitioners in short is that the suit property originally belonged to Mara Navithan and he died intestate in March 1965. He had left behind one son Palanisamy @ Palani and three daughters. The son Palanisamy died intestate on 19.06.1987. He left behind 4 sons and his widow wife and one daughter. The Petitioners are the sons and daughter of the said Palanisamy @ Palani. As per Hindu Succession Act, the children succeed to his estate.

iii. Though a partition is alleged, the Petitioners are neither parties nor signatories to the alleged deed nor attestors. While so, the Respondents 1 to 3 had purported to create an alleged Partition and several alienations which are all challenged by the Petitioners and the relief of partition is claimed.

iv. While so, the Respondents 14 to 16 have also filed a suit for partition in O.S.No.253 of 2025 on the file of the learned I Additional District Judge of Coimbatore. In this suit also, the alienations are challenged and the relief of partition is claimed. The Petitioners are arrayed as Defendants 2 to 4 in this suit.

v. Both the suits are for partition. The facts alleged are common and one and the same. All the alienations and partition are questioned in both the suits. Since in both the suits, all the facts alleged are common and both the suits are for partition. Unless both the suits are tried together, the Petitioner will suffer grave loss and hardships.

vi. Evidence in both suits are common and one and the same. The parties in both the suits are common and one and the same. Even the suit property mentioned in the suits is one and the same. If the suits are tried in the same Court, it will avoid duplication of evidence oral and documentary and will facilitate common judgment.

vii. Piece meal trial by different courts will result in duplicity of evidence and also possibility of false evidence. If both the suits are tried together in the same court by the same judge, it will avoid conflicts of judgments. Unless both suits are tried together by the same court, all the parties will be prejudiced. Evidence will be

common. Question of fact and law will be common. It will avoid conflict in judgments. In the interest of justice, both suits must be tried together in the same court. The addresses of the parties are the same as mentioned in the suit and are given above.

viii. In both the suits, the parties are the same and the contentions are the same. As questions of law and facts are common the suit filed on the file of the learned Principal Subordinate Judge of Coimbatore has necessarily to be transferred to the I Additional District Judge of Coimbatore and to be tried jointly with the said suit.

ix. As common questions of fact and law arise issues are common and evidence is common and any peace-meal trial will result in conflict of judgment. The suit in O.S.No.110 of 2013 on the file of the learned Principal Subordinate Judge of Coimbatore is ripened for Trial.

x. Since the suit in O.S.No.110 of 2013 on the file of the learned Principal Subordinate Judge of Coimbatore is the Court of Lower Pecuniary Jurisdiction and the suit in O.S.No.253 of 2025 on the file of the learned I Additional District Judge of Coimbatore is before Court of Higher Pecuniary Jurisdiction, the suit O.S.No.110 of 2013 on the file of the learned Principal Subordinate Judge of

Coimbatore has to transferred and tried jointly with O.S.No.253 of 2025 on the file of the learned I Additional District Judge of Coimbatore.

xi. Unless the suit in O.S.No.110 of 2013 on the file of the learned Principal Subordinate Judge of Coimbatore is transferred to the learned I Additional District Judge of Coimbatore tried jointly O.S.No.253 of 2025 on the file of the learned I Additional District Judge of Coimbatore, the Petitioners will be put to grave toss and hardship.

xii. It is therefore prayed that this Court may be pleased to pass an Order to transfer the suit in O.S.No.110 of 2013 on the file of the learned Principal Subordinate Judge of Coimbatore to be transferred and tried jointly with O.S.No.253 of 2025 on the file of the learned I Additional District Judge of Coimbatore and thus render Justice.

3. Averments contained in the counter statement filed by the 22nd Respondent and adopted by the Respondents No.20 and 21 are as follows:

i. This petition is not maintainable at this juncture and the petition averments are strongly denied as false and except the Respondents herein admits and other averments are liable to be proved by the Petitioner with relevant material evidence.

ii. The transfer application filed for to transfer the O.S.No.110 of 2013 pending before Principal Subordinate Judge of Coimbatore to try along with O.S.No.253 of 2025 pending before 1st Additional District Judge of Coimbatore but the present Petitioner and the Plaintiffs in O.S.No.253 of 2025 are the Defendants in O.S.No.110 of 2013 and the earlier suit was filed for partition and the new suit O.S.No.253 of 2025 also prayed for partition for the one relief there was two suits filed and the earlier suit O.S.No.110 of 2013 the trial was commenced and posted for further evidence of PW-1 but the present suit O.S.No.253 of 2025 is now in service stage at this Juncture if this transfer application is allowed it will take another 15 years for justice and the Petitioner purposely filed this application for nothing but to drag the suit at maximum stage.

iii. The Petitioner filed this petition by suppressing very many facts and another one connected suit O.S.No.176 of 2005 pending between the same parties before Principal Subordinate Judge of Coimbatore but the Petitioner left the suit for DFD and now filed another suit In O.S.No.253 of 2025 for the same relief and totally three suits have been filed for one relief and for the past 20 years the litigation over the suit property is pending and if this application is allowed again it will take 15 years and the Petitioners and the Respondents are all same parties in all the suits

and the present suit O.S.No.253 of 2025 filed for nothing but to drag the case and litigation. Hence this application is liable to be dismissed.

iv. The Respondents are the bona fide purchaser of the suit property and purchased from the right person after verifying all legal aspects and now the Respondents are in possession and enjoyment and having valid title over the suit property but the Petitioner and the other Respondents colluded each other and deliberately harassing this Respondents and continuously making nuisance and disturbance and several police complaint against the Petitioner but the Petitioner least bothered about the lawful activities and the Petitioner repeatedly creating nuisance and harassments to this Respondents and filing number of irrelevant application are all are nothing but to drag the litigation and the above cases to maximum level. Hence this application is liable to be dismissed.

v. Therefore the Respondents pray to dismiss this transfer application and thereby render justice.

4. Already the Respondents No.1 to 13, 17 to 19 and 23 to 25 remained ex-parte in the learned Trial Court, hence notice to them is dispensed with.

5. The learned counsel for the Respondents No.14 to 16 have endorsed as no objection in allowing this petition while receiving notice in I.A.No.1/2026 in TROP No.55/2026.

6. The point for consideration :

Whether the suit in O.S.No.110/2013 pending before the file of Principal Subordinate Judge, Coimbatore, is to be transferred to the file of I Additional District Judge, Coimbatore to try jointly along with the suit in O.S.No.253/2025 or not? is the point for consideration.

Point :

7. Heard and perused the relevant records. This petition is filed to transfer the suit in O.S.No.110/2013 pending before the file of Principal Subordinate Judge, Coimbatore, to the file of I Additional District Judge, Coimbatore to try jointly along with the suit in O.S.No.253/2025.

8. The learned counsel for the Petitioner has submitted that the Petitioners herein have filed the suit in O.S.No.110 of 2013 on the file of the learned Principal

Subordinate Judge of Coimbatore. The Respondents 14 to 16 have also filed the suit in O.S.No.253 of 2025 on the file of the I Additional District Judge of Coimbatore. Both the suits are for partition. The facts alleged are common and one and the same. All the alienations and partition are questioned in both the suits. Since in both the suits, all the facts alleged are common and both the suits are for partition, unless both the suits are tried together, the Petitioners will suffer grave loss and hardships.

9. The learned counsel for the Respondents 20 to 22 has submitted that, in the earlier suit in O.S.No.110 of 2013, the trial was commenced and posted for further evidence of PW-1 but the present suit in O.S.No.253 of 2025 is in service stage. At this Juncture if this transfer application is allowed it will take another 15 years for justice and the Petitioner purposely filed this application for nothing but to drag the suit at maximum stage. The Petitioner filed this petition by suppressing very many facts and another one connected suit O.S.No.176 of 2005 pending between the same parties before Principal Subordinate Judge of Coimbatore but the parties in the said suit left the suit for Dismissed for Default and now filed another suit in O.S.No.253 of 2025 for the same relief and totally three suits have been filed for

one relief and for the past 20 years the litigation over the suit property is pending and if this application is allowed again it will take 15 years and the Petitioners and the Respondents are all same parties in all the suits and the present suit O.S.No.253 of 2025 filed for nothing but to drag the case and litigation and prays to dismiss the petition.

10. Already the Respondents No.1 to 13, 17 to 19 and 23 to 25 remained ex-parte in the learned Trial Court, hence notice to them is dispensed with.

11. The learned counsel for the Respondents No.14 to 16 have endorsed as no objection in allowing this petition while receiving notice in I.A.No.1/2026 in TROP No.55/2026.

12. On perusal of the copy of the plaint in O.S.No.110/2013 on the file of Principal Subordinate Judge, Coimbatore, it shows that, the Petitioners herein as Plaintiffs allege that, the suit property originally belonged to one Mara Navithan, and he died intestate in the year 1965 leaving behind the son namely deceased Palanisamy and three daughters namely the Defendants 1 to 3 and the Plaintiffs and Defendants 4 to 6 are the legal heirs of the said Palanisamy. The Defendants 4

to 6 had purported to create an alleged partition by registered deed dated 11-05-1998. The alleged partition is totally void and the Plaintiffs are not parties or signatories to the deed and the Plaintiffs 1 and 2 never attested any deed as alleged and the alleged signatures are forgery. The Defendants 1 to 3 are entitled for $\frac{3}{4}$ shares and the said Palanisamy's $\frac{1}{4}$ share devolves on his heirs each $\frac{1}{24}$ share. While so the 7th Defendant attempted to disturb the joint possession of the Plaintiffs in the suit property and the Plaintiffs resisting where upon he claimed under an alleged decree in O.S.No.508/2000 on the file of Sub Court, Tirupur. All of them are void and the Plaintiffs, Defendants 1 to 3 are not parties. Hence they filed the suit for partition.

13. On perusal of the copy of the plaint in O.S.No.253/2025 on the file of I Additional District Judge, Coimbatore, it shows that, the Respondents 14 to 16 herein as Plaintiffs allege that, the suit property originally belonged to their grandfather Mara Navithan and now it is learnt that the 5th Defendant and his deceased brothers Nandhakumar and Janarthanan had purported to create an alleged registered partition deed dated 11-05-1998 and later they further came to know that they have also entered into a sale agreement with one Duraisamy and the said Duraisamy filed a suit in O.S.No.508/2000 on the file of Sub Court, Tirupur and based on the decree in the said suit, the alleged Sale deed was executed and

registered. Suppressing the rights and share of the Plaintiffs and Defendants 1 to 4, a fraud has been played by the 5th Defendant and his deceased brothers. The Plaintiffs are entitled to 1/3 share each in Velathal's 1/4th share i.e 1/12th each and after the death of Thulasiammal, the Plaintiffs are each entitled to 8/72 shares each. Hence they filed the suit for partition, declaration and permanent injunction and other reliefs.

14. Though the Respondents 20 to 22 has raised objection stating that, in the earlier suit in O.S.No.110 of 2013, the trial was commenced and posted for further evidence of PW-1 but the present suit in O.S.No.253 of 2025 is in service stage and at this Juncture if this transfer application is allowed it will take another 15 years for justice and the Petitioner purposely filed this application for nothing but to drag the suit at maximum stage, since both the suits involves the same property, parties, and interrelated questions of fact, if the suits are tried together before one forum, it will reduce the time and expenses for both parties and it will also avoid pronouncement of conflicting judgments by two forums. Therefore, in the interest of justice and in order to avoid conflicting judgments, even if one suit is in the advanced stage of further evidence of PW1 and the other is new, the paramount consideration is that they are connected matters, therefore, this Court is of the considered view that the transfer petition is liable to be allowed.

15. The further contention of the Respondents 20 to 22 is that, the suit O.S.No.176 of 2005 was pending between the same parties before Principal Subordinate Judge of Coimbatore but the Plaintiffs in O.S.No.176/2005/Respondents 14 to 16 herein left the suit Dismissed for Default and now filed another suit in O.S.No.253 of 2025 for the same relief and totally three suits have been filed for one relief and for the past 20 years, the litigation over the suit property is pending and if this application is allowed again it will take 15 years and the Petitioners and the Respondents are all same parties in all the suits and the present suit O.S.No.253 of 2025 filed for nothing but to drag the case and litigation. Since this Court is inclined to allow the petition, the suit filed in the year 2005, having been dismissed for default, is no longer pending, and therefore its omission does not affect the transfer petition for the pending 2025 suit. Therefore, this Court is inclined to allow the petition. Considering the fact that the suit in O.S.No.110/2013 is over a decade old, it is necessary in the interest of justice to expedite the proceedings.

In the result, this petition is allowed. The suit in O.S.No.110/2013 pending on the file of the Principal Subordinate Judge, Coimbatore is ordered to be withdrawn and transferred to the file of I Additional District Judge, Coimbatore to

try jointly/simultaneously along with the suit in O.S.No.253/2025 pending thereon.

The learned I Additional District Judge, Coimbatore is directed to make all endeavor to complete the trial and dispose of both the suits expeditiously. No costs.

Dictated to the Steno-typist directly and typed by her in the computer, corrected and pronounced by me in the open court, this the 16th day of March 2026.

PRINCIPAL DISTRICT JUDGE,
COIMBATORE

Copy to:

1. The I Additional District Judge, Coimbatore.
2. The Principal Subordinate Judge, Coimbatore.

Principal District Court,
Coimbatore
Tr.O.P.No.55/2026
Dt : 16-03-2026
Draft / Fair order