

**IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,
COIMBATORE**

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

Wednesday, this the 25th day of March, 2026

(திருவள்ளூர்வராண்டு, 2057, விசுவாவசு ஆண்டு பங்குனி திங்கள் 11-ஆம் நாள் புதன்கிழமை)

TRANSFER ORIGINAL PETITION No.44/2025
(CNR No.TNCB010010802025)

1. Sakunthala Devi

2. A.Velusamy

... Petitioners

//vs//

1. Arumugam (Died)

2. Amuthavalli

3. The Tahsildhar,
Annur

... Respondents

This petition came before me for final hearing on 10-03-2026 in the presence of **Tvl. K.Sethuram, K.Viswanathan and R.Ilayaraja**, Advocates for the Petitioners and the 1st respondent died, and of **Thiru.M.Selvaraj and Mrs.A.Kanimozhi**, Advocates for the 2nd respondent and of **Thiru.V.Arul Kumar**, Government Pleader, represents the 3rd respondent and upon perusing the petition, counter and other relevant records and upon hearing both side arguments, and having stood over for consideration till this day, this Court passes the following:

ORDER

This petition has been filed by the petitioner, **through e-Filing**, u/s.24 and Sec.151 of CPC, praying to transfer the suit in O.S.No.484/2023 which is

pending on the file of the District Munsif, Annur to the file of the III Subordinate Judge, Coimbatore, to be tried simultaneously with the suit in O.S.No.197/2020.

2. Averments contained in the petition :

(i) The petitioners are the plaintiffs in the suit in O.S.No.197/2020 pending on the file of the III Additional Subordinate Judge, Coimbatore. They have filed the said suit for the relief of declaration and consequential permanent injunction against the respondent and the same is pending for framing of issues. Further the Advocate Commissioner has measured the suit property with the assistance of the Taluk Surveyor and filed the report.

(ii) The 2nd respondent has filed the suit in O.S.No.484/2023, before the District Munsif, Annur, against the petitioners and the said suit is pending for APC. The documents pertaining to both the suits and properties are all one and the same and right of the parties involved in both suits are one and the same.

(iii) The suit property in both the suits are all connected with the issues involved in the said suit and the relief sought in both suits are similar in nature. The parties to the suit are more or less same. If the both suits are tried separately, it may lead to conflicting judgment being pronounced and multiplicity of proceedings. Therefore, it is just and necessary to try both suits

jointly or simultaneously and no prejudice would be caused to the respondents. Hence, the petitioners filed the present petition.

3. The 1st respondent died. On 09-02-2026, the learned Government Pleader who represents the 3rd respondent filed a Memo stating that this petition may be allowed without prejudice to the 3rd respondent.

4. **The 2nd respondent filed counter. The averments contained in the counter statement are as follows:-**

(a) The petition is false, frivolous, vexatious and not maintainable in law and on facts of the case. The petitioners are the plaintiffs in O.S.No.197/2020. The said suit is pending before the learned III Additional Subordinate Judge, Coimbatore. It is not correct to state that the Advocate Commissioner has messed the suit property with assistance of the Taluk Surveyor and filed report before the learned III Additional Subordinate Judge, Coimbatore.

(b) The 2nd respondent has filed the suit in O.S.No.2700/2012 before the Principal District Munsif, Coimbatore and the same is transferred to the file of learned District Munsif, Annur and renumbered as O.S.No.484/2023. This fact is suppressed by the petitioner. After this suit, the petitioner filed another suit against the respondent for the same property before the learned District Munsif,

Coimbatore and the same is numbered as O.S.No.296/2013 and in the said suit, this respondent filed written statement and the said suit is dismissed by the learned I Additional District Munsif Court, Coimbatore.

(c) The petitioners abstracted the pathway leads on the Northern side of east-west thar road proceeds to east-west and annex the respondents property. It is the only passage to the respondents property. The petitioner claiming title to the entire property including the passage leads to this respondents property. Under the said circumstances, this respondent filed the present petition.

5. The point for consideration :

“Whether the suit in O.S.No.484/2023 which is pending on the file of the District Munsif, Annur, is to be transferred to the file of the III Additional Subordinate Judge, Coimbatore, to try simultaneously with the suit in O.S.No.197/2020, or not?”

POINT:-

6. Heard and perused the relevant records. This petition has been filed by the petitioners, praying to transfer the suit in O.S.No.484/2023 which is pending on the file of the District Munsif, Annur, to the file of the III Additional Subordinate Judge, Coimbatore to try simultaneously with the suit in O.S.No.197/2020.

7. The learned counsel for the petitioners would argue that, the documents pertaining to both the suits and properties are all one and the same and right of the parties involved in both suits are one and the same and the suit property in both the suits are all connected with the issues involved in the said suit and the relief sought in both suits are similar in nature and the parties to the suit are more or less same and if both suits are tried separately, it may lead to conflicting judgment being pronounced and multiplicity of proceedings and prays to allow the petition.

8. Whereas, the learned counsel for the 2nd respondent contended that, the 2nd respondent has filed the suit in O.S.No.2700/2012 before the Principal District Munsif, Coimbatore and the same is transferred to the file of learned District Munsif, Annur and renumbered as O.S.No.484/2023. This fact is suppressed by the petitioner. After this suit, the petitioner filed another suit against the respondent for the same property before the learned District Munsif, Coimbatore and the same is numbered as O.S.No.296/2013 and in the said suit, this respondent filed written statement and the said suit is dismissed by the learned I Additional District Munsif Court, Coimbatore. The learned counsel has further contended that, the petitioners abstracted the pathway leads on the Northern side of east-west thar road proceeds to east-west and annex the respondents' property and the same is the only passage to the respondents' property and the petitioners claiming title to the entire property including the

passage leads to this respondents property.

9. This Court has considered the submissions of both side and perused the copy of plaints in O.S.No.484/2023 and O.S.No.197/2020. The petitioners filed the suit in O.S.No.197/2020, against the 2nd respondent, seeking the relief of declaration, to declare that the 1st petitioner is the absolute owner of the suit property in S.F.no.681/1A7 to an extent of 7.25 cents Kumarapalayam Village, Annur Taluk and in consequent to that grant an order of permanent injunction restraining the 2nd respondent or his men or agent or from in any way interfering with the peaceful possession and enjoyment of the suit property. The said suit is now pending on the file of the III Additional Subordinate Judge, Coimbatore.

10. The case of the petitioners is that, 2nd petitioner father Ammasai Gounder and Marappa Gounder acquired the right in the property by ancestrally and on 02-05-1982, the above said AmmasaiGounder died and thereafter, the 2nd petitioner and his brother inherited the property with specific boundaries from their father. In the year 1993, the said Marappa Gounder sold his share to one Marimuthu and thereafter revenue authorities issued patta in the name of 2nd petitioner and his brother. On 28-03-2012, the brother of the 2nd petitioner executed a release deed in favour of the 2nd petitioner and thereafter necessary mutations have been effected in the name of the 2nd petitioner in the revenue records. On 10-09-2014, the 2nd petitioner settled the properties in favour of the

1st petitioner and the 1st petitioner constructed the residential house over the property and the building was assessed for payment of tax. At that time, the respondent claimed a right over the properties and filed a suit in O.S.No.2700/2012 for declaration. Thereafter, the 1st respondent who is the father of the 2nd respondent died and subsequently the 2nd respondent attempted to trespass into the property and created the documents to grab the portion of the property from the petitioners and under the above said circumstances, the petitioners filed the suit in O.S.No.197/2020 against the 2nd respondent.

11. The respondents No.1 and 2 filed the suit in O.S.No.484/2023 before the District Munsif, Annur, against the 2nd petitioner, seeking the relief of declaration to declare that the 2nd respondent is the absolute and exclusive owner of the suit properties and also consequently granting permanent injunction against the defendants their men, servants, agents or anybody else on their behalf from interfering with the possession and enjoyment of the suit properties.

12. The case of the respondents No.1 and 2 is that, the suit properties and some other properties are belongs to the 1st respondent's father Muthu Gounder by way of partition deed dated 17-07-1962. The said Muthu Gounder died in the year 1965 and after his demise, the 1st respondents are enjoying the spit property and other properties. The 1st respondent is having two daughters

namely Krishnaveni and the 2nd respondent. The 1st respondent and his daughter Krishnaveni executed a release deed, dated 02-04-2007 in faovur of the 2nd respondent.

13. The further case of the respondents No.1 and 2 is that, the 2nd petitioner's father Ammasai Kutty @ Ammasai gounder was working with the 1st respondent and his father. Hence he allowed the 2nd petitioner to put a Thatched shed in the South west corner of his property. The brother of Ammasai Gounder namely Marappa Gounder was allowed to put up a a thatched shed on west of Ammasaikutty @ Ammasai gounder shed since both the brothers are agriculture labor with the 1st respondent's family. The 2nd petitioner constructed a tiled house and residing in the property belongs to the respondents No.1 and 2. The said Marappa Gounder illegally constructed a tiled house and sold the same to one Marimuthu. Now on the eastern side of Marimuthu house, the 2nd petitioner is residing in a tiled house. His brother Ponnusamy and 2nd petitioner created a void, fraudulent document before SRO Annur to swindle the property. The said property is void one. On the North of east-west Thar Road, there is a passage and the aid passage is about 16 feet east west width and about 23 meter north south length. The said passage begins on the East west corner of S.F.No.681/1A7 and ends on the East west corner of S.F.No.681/1A3. The respondents are enjoying the said passage from the date of partition and the 3rd respondent who is omitted to mention the name of the respondents No.1 and 2

in S.F.No.681/1A7, taking advantage of the same, the 2nd petitioner try to encroach the passage by way of digging a septic tank in the said passage. Under the above said circumstance, the respondents No.1 and 2 have filed the suit in O.S.No.484/2023, against the 2nd petitioner. Now the said suit is pending before the District Munsif, Annur.

14. On conjoint reading the averments stated in the plaints, it reveals that dispute between the parties revolves around the title or right over the properties mentioned the suit schedule. According to the petitioners, in both the suits, parties to the proceedings, properties in dispute, oral and documentary evidence that has to be adduced and the issue that has to be decided, are all one and the same, hence, in order to avoid arising of conflict of judgment, it is just and necessary to try both the suits in a single Court. The learned Government Pleader who represents the 3rd respondent has filed a memo stating that this petition may be allowed without prejudice to the 3rd respondent. Though the 2nd respondent raised objection to transfer the suit, taking into consideration of all the above, as in both the suits, parties to the proceedings, the issues to be decided are all one and the same and with a view to avoid conflicting of judgment that may be passed, with a view avoid multiplicity of proceedings, and with a view to save precious time of the Courts as well as the parties, this Court does incline to allow this petition.

In the result, this petition is allowed. The suits in O.S.No.484/2023 which is pending before the District Munsif, Annur, is ordered to be withdrawn and transferred to the file of III Additional Subordinate Judge, Coimbatore. The transferee Court shall decide whether the suits [O.S.No.484/2023 and O.S.No.197/2020] are to be tried jointly or simultaneously. No costs.

This order is dictated to steno-typist directly, typed by her in computer, corrected and pronounced by me in open Court, on this the 25th day of March, 2026.

PRINCIPAL DISTRICT JUDGE,
COIMBATORE.

Copy to:-

1. The District Munsif, Annur.
2. The III Additional Subordinate Judge, Coimbatore.

//True copy//

Draft Order in
Tr.O.P.No.44/2025
Dated:25-03-2026.