

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

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

Thursday, this the 2nd day of April, 2026

(திருவள்ளூர்வராண்டு, 2057, விசுவாவசு ஆண்டு பங்குனி திங்கள் 19-ஆம் நாள் வியாழக்கிழமை)

TRANSFER ORIGINAL PETITION No.65/2025
(CNR No.TNCB010014172025)

R.Murugesan,
S/o.Ramachandran

... Petitioner

//vs//

1. S.Chitra,
W/o.R.Murugesan

2. The Sub Registrar,
Kinathukadavu Sub Registrar Office

3. The Sub Registrar,
Pollachi Sub Registrar Office

... Respondents

This petition came before me for final hearing on 11-03-2026 in the presence of **Tvl. A.Rajan. J.Cinin Samuel and M.Allwin**, Advocates for the Petitioner and of **Tvl.V.R.Venkatesan and S.Soundarraaj**, Advocates for the 1st respondent, though the 1st respondent entered appearance through counsel, no representation for the 1st respondent, 1st respondent having been called absent and set exparte, and of **Thiru.V.Arul Kumar, Government Pleader**, represents the respondents No.2 and 3, and upon perusing the petition and other relevant records and upon hearing 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 r/w Sec.151 of CPC, praying to transfer the suit in O.S.No.1307/2023 which is pending on the file of the II Additional Subordinate Judge, Coimbatore, to try and heard along with the suit in O.S.No.613/2021, which is pending on the file of the III Additional Subordinate Judge, Coimbatore for a joint trial.

2. Averments contained in the petition :

(i) The petitioner and the 1st respondent are husband and wife. Both of them are living separately due to their matrimonial dispute. Earlier days, the petitioner was living at abroad and during those periods, the petitioner and the 1st respondent was living jointly as husband and wife. Further the petitioner from his hard earned income he has purchased many properties in Coimbatore under the name of the 1st respondent as his name lender. Now being there is no any good cordial relationship, thereby to cheat and defraud the petitioner, the 1st respondent, by taking undue advantage that the properties were purchased in her by the petitioner, she was attempting to alienate and encumber the properties.

(ii) The petitioner to safeguard his valid legal right, interest and title over the properties, he has filed a suit in O.S.No.1307/2023, against the respondents seeking the relief of declaration, to declare that the petitioner is the absolute owner, title holder and possessor of the properties with regard to his half

undivided shares recited in the suit mentioned properties and the mentioned case is pending on the file of the II Additional Subordinate Judge, Coimbatore and listed for the commencement of trial.

(iii) The petitioner filed yet another suit for declaration against the respondents, to declare that the petitioner is the absolute owner, title holder and possessor of the properties with regard to his half undivided share recited in the suit mentioned properties and the said suit is numbered as O.S.No.613/2021 and the same is pending before the III Additional Subordinate Judge, Coimbatore and listed for the commencement of trial.

(iv) Being some of the properties were left out during the filing of the first case, the petitioner has filed the second case with same cause of action. But in fact the entire properties list out in both the cases was different, but the fact is, parties to the proceedings and cause of action for both cases are one and the same. As of now, both cases are pending before two different Courts and which might result in arising different conflict of judgments and certainly which will not benefit any of the litigants in both the cases. This will cause multiplicity of proceedings and many rounds of litigation. The oral evidence that has to be adduced in both the cases are one and the same. Hence, the petitioner has filed the present petition.

3. Though the 1st respondent entered appearance through her counsel, despite several opportunities, she has not chosen to file counter. Hence, on 24-02-2026, 1st respondent was called absent and set exparte. The learned Government Pleader who represents the respondents No.2 and 3 has filed a memo stating that petition may be allowed.

4. **The point for consideration:**

“Whether the suit in O.S.No.1307/2023 which is pending on the file of the II Additional Subordinate Judge, Coimbatore, is to be transferred to the file of the III Additional Subordinate Judge, Coimbatore, to try jointly with the suit in O.S.No.613/2021, or not?”

POINT:-

5. Heard and perused the relevant records. This petition has been filed by the petitioner, praying to transfer the suit in O.S.No.1307/2023 which is pending on the file of the II Additional Subordinate Judge, Coimbatore, to the file of the III Additional Subordinate Judge, Coimbatore to try jointly with the suit in O.S.No.613/2021.

6. The learned counsel for the petitioners would argue that, some of the properties were left out during the filing of the first case, the petitioner has filed

the second case with same cause of action, but in fact the entire properties list out in both the cases was different, but the fact is, parties to the proceedings and cause of action for both cases are one and the same. The oral evidence that has to be adduced in both the suits are one and the same. The learned counsel has further submitted that, as of now, both cases are pending before two different Courts and which might result in arising different conflict of judgments and certainly which will not benefit any of the litigants in both the cases and this will cause multiplicity of proceedings and many rounds of litigation and prays to allow the petition.

7. Though the 1st respondent entered appearance through her counsel, in spite of several opportunities, no counter has been filed on behalf of the 1st respondent and hence, the 1st respondent called absent and set exparte. The learned Government Pleader who represents the respondents No.2 and 3 filed a memo stating no objection to allow the petition.

8. This Court has considered the submissions of both side and perused the copy of complaints in O.S.No.1307/2023 and O.S.No.613/2021. On perusal of the same, it appears that the petitioner and the 1st respondent are husband and wife. Now they are living separately due to matrimonial dispute. The petitioner has filed two suits against the respondents.

9. The case of the petitioner is that, he and the 1st respondent are husband and wife and due to matrimonial dispute, they are living separately. In the earlier days, he was working in abroad and earning more than one lakhs rupees per month and the 1st respondent accompanied with him in dependency visa. While so, he and the 1st respondent purchased the suit mentioned properties in the name of the 1st respondent as name lender and thereafter, the 1st respondent attempted to sell the properties to third person by confining his right, title and interest in the suit properties. Further the 1st respondent along with her mother, with many other unknown third persons, unlawfully assaulted him and ousted him out of his house and under the said circumstance, he filed the suit in O.S.No.1307/2023, seeking the relief of declaration that he is the absolute owner of the suit properties.

10. Further the petitioner has purchased some other properties in the name of the 1st respondent under his direct source of income as putting her as a name lender and further he purchased Item.no.1 and 2 property in the name of the 1st respondent from his direct source of income and on subsequent date the plaintiff has paid monthly EMI towards housing loan and subsequently she deserted him and assaulted him and when he was unlawfully and illegally ousted from the Item.no.1 suit property and the 1st respondent is attempting to sell the property to the third person by confining his right, title and interest and under the said circumstance, the petitioner filed another suit in O.S.No.613/2021, against the

respondents, seeking the relief of declaration to declare that he is the absolute owner of the suit properties.

11. On conjoint reading the averments stated in the complaints, it reveals that dispute between the parties revolves around the title or right over the properties mentioned in the suit schedule. According to the petitioner, though properties in dispute are not the same in both the suits, however, parties to the proceedings, oral 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 wife of the petitioner i.e., the 1st respondent has not chosen to file counter in order to deny the case of the petitioner. The learned Government Pleader who represents the respondents No.2 and 3, has no objection to allow the petition. 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 to 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 suit in O.S.No.1307/2023 which is pending on the file of the II Additional Subordinate Judge, Coimbatore, 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.1307/2023 and O.S.No.613/2021] 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 2nd day of April, 2026.

PRINCIPAL DISTRICT JUDGE,
COIMBATORE.

Copy to:-

1. The II Additional Subordinate Judge, Coimbatore.
2. The III Additional Subordinate Judge, Coimbatore.

//True copy//

Draft Order in
Tr.O.P.No.65/2025
Dated:02-04-2026.