

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

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

Tuesday, this the 10<sup>th</sup> day of March 2026

திருவள்ளூவர் ஆண்டு 2057 தமிழ் விசுவாசு ஆண்டு மாசி மாதம் 26ம் நாள்  
செவ்வாய்கிழமை

**TRANSFER ORIGINAL PETITION No.63/2025**

**CNR No.TNCB010014622025**

K. Uma

... Petitioner

/vs/

1. K.Gobibalaji

2. K.Parthiban

... Respondents

This petition came up before me for final hearing on 04-03-2026 in the presence of **Petitioner (Party in person)** and of **Thiru.D.Selvaraj**, Advocate for the 1<sup>st</sup> Respondent and the 2<sup>nd</sup> Respondent remained ex-parte 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 Petitioner under Section 24 of Civil Procedure Code to transfer the suit in O.S.No.58/2023 pending before the III Additional District Munsif, Coimbatore to the file of the V Additional District Munsif, Coimbatore to try along with the suit in O.S.No.1062/2022 pending thereon.

**2. Averments contained in the petition :**

i. The Petitioner filed the suit in O.S.No.1062/2022 before the learned V Additional District Munsif, Coimbatore seeking the relief of permanent injunction and other reliefs as against the Respondents herein. In the said case the 1<sup>st</sup> Respondent herein entered his appearance and filed his written statement and the case is posted for trial.

ii. Subsequent to the above case in O.S.No.1062/2022 filed by the Petitioner, the 1<sup>st</sup> Respondent filed the suit in O.S.No.58/2023 before the learned III Additional District Munsif, Coimbatore seeking the relief of delivery of vacant possession of the suit property and damages and such other reliefs. In the said suit the Petitioner entered her appearance and filed her written statement and the case is posted for evidence on the side of 1<sup>st</sup> Respondent.

iii. The Petitioner is in lawful possession of the suit property and to prevent the unlawful activities of the Respondents, the Petitioner filed the above suit in

O.S.No.1062/2022 pending before the learned V Additional District Munsif, Coimbatore and as alleged by the 1<sup>st</sup> Respondent in O.S.No.58/2023 filed by him, pending before the learned III Additional District Munsif, Coimbatore, there is no such unlawful occupation by the Petitioner. After receipt of payment of Rs.15,00,000/- from the Petitioner and her husband viz, 2<sup>nd</sup> Respondent herein the 1<sup>st</sup> Respondent executed an unregistered Uruthimozhi deed in favour of the 2<sup>nd</sup> Respondent herein and the aforesaid amount was paid to the 1<sup>st</sup> Respondent by the Petitioner by way of pledging the jewels and getting funds from her parents. The Petitioner and the 2<sup>nd</sup> Respondent were then husband and wife and because of the family dispute arose between them, now they got separated and the Petitioner is residing in the aforesaid address. By taking undue advantage of the separation of the Petitioner and her husband i.e., 2<sup>nd</sup> Respondent, the 1<sup>st</sup> Respondent is frequently harassing the Petitioner to vacate the suit property unlawfully by engaging rowdy elements. The Petitioner paid the amount to the 1<sup>st</sup> Respondent for purchase of the suit property and the 1<sup>st</sup> Respondent also had acknowledged the same by way of executing an Uruthimozhi deed in favour of 2<sup>nd</sup> Respondent. Now the Respondents clove in hand, made a dexterous plan to evict the Petitioner from the suit property unlawfully. Hence, the Petitioner had no other option except to approach this Court and filed the aforesaid suit in O.S.No.1062/2022 and the same is pending.

iv. With a view to evade from the liability and from the criminal complaint lodged by the Petitioner before the Vadavalli Police station, the 1<sup>st</sup> Respondent filed the suit for eviction as against the Petitioner and given civil colour to the aforesaid complaint. In the said suit, the 1<sup>st</sup> Respondent added the 2<sup>nd</sup> Respondent as a Defendant for namesake.

v. Actually the Respondents colluded with each other to swindle the money of the Petitioner, which she got by pledging her jewels and borrowal from her parents. The Petitioner has got a valid defence to disprove the claim of the Respondents. In order to establish the same, it is very much essential to try both the cases jointly or simultaneously to ascertain the truth. In both the suits, the Plaintiffs and Defendants and the suit property and the issues are also one and the same.

vi. Hence, it is very much essential to decide the suit jointly or simultaneously in order to arrive at a common decision and avoid multiplicity of proceedings and save the precious time of the Court.

vii. Hence, the Petitioner has come forward with this application to transfer the suit pending on the file of learned III Additional District Munsif, Coimbatore in O.S.No.58/2023 to the file of learned V Additional District Munsif, Coimbatore to try along with the suit in O.S.No.1062/2022.

**3. Averments contained in the counter statement filed by the 1<sup>st</sup> Respondent is as follows:**

i. The Petitioner has suppressed the factum of I.A.No.2/2022 filed by the Petitioner in his affidavit. In the suit filed by the 1<sup>st</sup> Respondent, the Petitioner herein who is arrayed as 2<sup>nd</sup> Defendant in the said suit, has not shown any interest to contest the suit and after set aside the exparte order passed against her, she is contesting the case.

ii. It is false to state that the Petitioner is in lawful possession of the suit property and the Respondents are acting to dispossess the Petitioner from the suit property. The Respondent herein denies the allegations stated by the Petitioner in para 5 of the affidavit except the case details and there was no amount received by the 1<sup>st</sup> Respondent herein from the 2<sup>nd</sup> Respondent herein and there is no document allegedly executed for Rs.15,00,000/- in respect of the suit property and the alleged documents which is an unregistered, is a forged one created by the Petitioner and the 2<sup>nd</sup> Respondent and the 1<sup>st</sup> Respondent herein never signed in the alleged document as alleged by the Petitioner and the genuineness of the said document is to be proved by them and in order to get unlawful gain, the Petitioner is in possession of the suit property.

iii. By having misunderstanding, the Petitioner and her husband namely the 2<sup>nd</sup> Respondent herein separated from each other, and in the suit property, the Petitioner is alone residing unlawfully, without giving any rent to the 1<sup>st</sup>

Respondent. There is no collusion between the Respondents herein as alleged by the Petitioner. The 1<sup>st</sup> Respondent herein never received any amount from the Petitioner for purchase of the suit property. The 1<sup>st</sup> Respondent has no knowledge about the transaction between the Petitioner and the 2<sup>nd</sup> Respondent. In the suit filed by the 1<sup>st</sup> Respondent, the 2<sup>nd</sup> Respondent herein who is arrayed as 1<sup>st</sup> Defendant in the said suit, has contested the suit and subsequently he remained *exparte*.

iv. The suit property is absolutely belongs to the 1<sup>st</sup> Respondent. When the 1<sup>st</sup> Respondent through the third persons, requested the Petitioner to vacate the suit property, the Petitioner given a false police complaint in order to harass the 1<sup>st</sup> Respondent.

v. It is admitted that, in both the suits, the Plaintiff and Defendants are same. However, the Petitioner without prosecuting the case, she is trying to drag on the proceedings and without paying rent, she is in illegal possession of the suit property. Therefore, she has no *prima facie* in filing this petition.

vi. After the marriage between the Petitioner and the 2<sup>nd</sup> Respondent, they started residing in the suit property from 27-05-2020. Before that, the 1<sup>st</sup> Respondent was residing in the suit property from 30-10-2019. The 2<sup>nd</sup> Respondent approached the 1<sup>st</sup> Respondent and entered into an unregistered rental agreement 30-10-2019. Thereafter, the 2<sup>nd</sup> Respondent paid the rent till 06-07-2021. Thereafter, he has not paid the rent amount. The Petitioner and the 2<sup>nd</sup> Respondent is liable to pay rent

arrears of a sum of Rs.7,68,000/-. But the 2<sup>nd</sup> Respondent paid only a sum of Rs.1,31,000/- to the account of the 1<sup>st</sup> Petitioner. The remaining amount has not paid either by the Petitioner who is residing in the suit property now or the 2<sup>nd</sup> Respondent. Therefore, the 1<sup>st</sup> Respondent preferred the suit for delivery of vacant possession of the suit property and after filing of the above said suit, the Petitioner informed the suit in O.S.No.1062/2022 filed by her belatedly to the 1<sup>st</sup> Respondent, however, the 1<sup>st</sup> Respondent entered appearance in the said suit by engaging his counsel and prosecuting the case. In order to drag on the proceedings, the Petitioner has come forward with this petition and therefore prays to dismiss the petition.

4. In spite of receipt of notice, the 2<sup>nd</sup> Respondent has not chosen to appear before this Court, hence he was called absent, and set exparte on 06-10-2025.

**5. The point for consideration :**

Whether the suit in O.S.No.58/2023 pending before the III Additional District Munsif Court, Coimbatore and the suit in O.S.No.1062/2022 which is pending on the file of the V Additional District Munsif, Coimbatore are to be tried jointly by one forum or not? is the point for consideration.

**Point :**

6. Heard both sides and perused the relevant records. This petition is filed to try the suit in O.S.No.58/2023 pending before the III Additional District Munsif,

Coimbatore and the suit in O.S.No.1062/2022 which is pending on the file of the V Additional District Munsif, Coimbatore are to be tried by one forum.

7. The learned counsel for the Petitioner has submitted that the Petitioner filed the suit in O.S.No.1062/2022 on the file of learned V Additional District Munsif, Coimbatore. Subsequent to the above case, the 1<sup>st</sup> Respondent filed the suit in O.S.No.58/2023 on the file of III Additional District Munsif, Coimbatore. The Petitioner is in lawful possession of the suit property and as alleged by the 1<sup>st</sup> Respondent in his suit in O.S.No.58/2023, there is no such unlawful occupation by the Petitioner. After receipt of payment of Rs.15 lakh from the Petitioner and her husband namely the 2<sup>nd</sup> Respondent, the 1<sup>st</sup> Respondent executed an unregistered Uruthimozhi deed in favour of the 2<sup>nd</sup> Respondent and the aforesaid amount was aid to the 1<sup>st</sup> Respondent by the Petitioner by way of pledging the jewels and getting funds from her parents.

8. The learned counsel for the Petitioner further submitted that due to the family dispute, the Petitioner and the 2<sup>nd</sup> Respondent got separated and the Petitioner is residing in the suit property. By taking undue advantage of the separation of the Petitioner and the 2<sup>nd</sup> Respondent, the 1<sup>st</sup> Respondent is frequently harassing the Petitioner to vacate the suit property unlawfully. Infact, the Petitioner paid the said amount to the 1<sup>st</sup> Respondent for purchase of the suit property and the 1<sup>st</sup>

Respondent also has acknowledged the same by way of executing an Uruthimozhi deed in favour of the 2<sup>nd</sup> Respondent. Now the Respondent clove in hand, made a dexterous plan to evict the Petitioner from the suit property and the Respondents colluded with each other to swindle the money of the Petitioner. In both the suits, the parties and the suit property and the issues are one and the same and in order to avoid multiplicity of proceedings and save the precious time of the Court, the Petitioner has come forward with this petition and prays to allow the petition.

**9.** Whereas, it is the contention of the 1<sup>st</sup> Respondent that, it is false to state that the Petitioner is in lawful possession of the suit property and the Respondents are acting to dispossess the Petitioner from the suit property. There was no amount received by the 1<sup>st</sup> Respondent herein from the 2<sup>nd</sup> Respondent herein and there is no document allegedly executed for Rs.15,00,000/- in respect of the suit property and the alleged documents which is an unregistered, is a forged one created by the Petitioner and the 2<sup>nd</sup> Respondent and the 1<sup>st</sup> Respondent herein never signed in the alleged document as alleged by the Petitioner and the genuineness of the said document is to be proved by them and in order to get unlawful gain, the Petitioner is in possession of the suit property.

**10.** Further contention of the 1<sup>st</sup> Respondent is that, by having misunderstanding, the Petitioner and her husband namely the 2<sup>nd</sup> Respondent herein separated from each other, and in the suit property, the Petitioner is alone residing unlawfully,

without giving any rent to the 1<sup>st</sup> Respondent. There is no collusion between the Respondents herein as alleged by the Petitioner. The 1<sup>st</sup> Respondent herein never received any amount from the Petitioner for purchase of the suit property. The 1<sup>st</sup> Respondent has no knowledge about the transaction between the Petitioner and the 2<sup>nd</sup> Respondent. In the suit filed by the 1<sup>st</sup> Respondent, the 2<sup>nd</sup> Respondent herein who is arrayed as 1<sup>st</sup> Defendant in the said suit, has contested the suit and subsequently he remained exparte.

**11.** Further contention of the 1<sup>st</sup> Respondent is that, the suit property is absolutely belongs to the 1<sup>st</sup> Respondent. When the 1<sup>st</sup> Respondent through the third persons, requested the Petitioner to vacate the suit property, the Petitioner gave a false police complaint in order to harass the 1<sup>st</sup> Respondent. It is admitted that, in both the suits, the Plaintiff and Defendants are same. However, the Petitioner without prosecuting the case, she is trying to drag on the proceedings and without paying rent, she is in illegal possession of the suit property. Therefore, she has no prima facie in filing this petition. After the marriage between the Petitioner and the 2<sup>nd</sup> Respondent, they started residing in the suit property from 27-05-2020. Before that, the 1<sup>st</sup> Respondent was residing in the suit property from 30-10-2019. The 2<sup>nd</sup> Respondent approached the 1<sup>st</sup> Respondent and entered into an unregistered rental agreement 30-10-2019. Thereafter, the 2<sup>nd</sup> Respondent paid the rent till

06-07-2021. Thereafter, he has not paid the rent amount. The Petitioner and the 2<sup>nd</sup> Respondent is liable to pay rent arrears of a sum of Rs.7,68,000/-. But the 2<sup>nd</sup> Respondent paid only a sum of Rs.1,31,000/- to the account of the 1<sup>st</sup> Petitioner. The remaining amount has not paid either by the Petitioner who is residing in the suit property now or the 2<sup>nd</sup> Respondent. Therefore, the 1<sup>st</sup> Respondent preferred the suit for delivery of vacant possession of the suit property and after filing of the above said suit, the Petitioner informed the suit in O.S.No.1062/2022 filed by her belatedly to the 1<sup>st</sup> Respondent, however, the 1<sup>st</sup> Respondent entered appearance in the said suit by engaging his counsel and prosecuting the case. In order to drag on the proceedings, the Petitioner has come forward with this petition and therefore prays to dismiss the petition.

**12.** In spite of receipt of notice, the 2<sup>nd</sup> Respondent has not chosen to appear before this Court, hence he was called absent, and set exparte on 06-10-2025.

**13.** On perusal of the copy of the plaint in both the suits, it reveals that, the Petitioner claims ownership based on a Uruthimozhi deed allegedly executed by the 1<sup>st</sup> Respondent and the 1<sup>st</sup> Respondent claims a tenancy dispute. In order to avoid conflicting decisions as both suits center on the same property and the nature of possession. 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 conflicting

judgments by two forums. Therefore, the petition is liable to be allowed. It is to be noted that, although the suit in O.S.No.1062/2022 was dismissed for default on 18-09-2025, a restoration application is currently pending before the learned V Additional District Munsif, Coimbatore. In the interest of justice and for the convenience of the parties, the suit in O.S.No.58/2023 is withdrawn from the III Additional District Munsif, Coimbatore and transferred to the V Additional District Munsif, Coimbatore to try along with the pending restoration application in O.S.No.1062/2022.

In the result, this petition is allowed. The suit in O.S.No.58/2023 pending on the file of the III Additional District Munsif, Coimbatore is ordered to be withdrawn and transferred to the file of V Additional District Munsif, Coimbatore to try along with the pending restoration application in the suit in O.S.No.1062/2022. 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 10<sup>th</sup> day of March 2026.

PRINCIPAL DISTRICT JUDGE,  
COIMBATORE

Copy to:

1. The III Additional District Munsif, Coimbatore.
2. The V Additional District Munsif, Coimbatore.

Principal District Court,  
Coimbatore  
Tr.O.P.No.63/2025  
Dt : 10-03-2026  
Draft / Fair order