

**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 07<sup>th</sup> day of April 2026

திருவள்ளூர் ஆண்டு 2057 தமிழ் விசுவாசு ஆண்டு பங்குனி மாதம் 24ம்  
நாள் செவ்வாய்கிழமை

**TRANSFER ORIGINAL PETITION No.108/2025**

**CNR No.TNCB010020342025**

R.Kanakaraj

... Petitioner

/vs/

1. M/s.Sneha Ashiana Private Ltd.,  
represented by its Authorised  
Signatory N.Renil Francis
2. Vijayalakshmi
3. R.Thangamani
4. Loganathan
5. Emami Reality Limited
6. The Commissioner,  
Coimbatore City Municipal Corporation
7. The Local Planning Authority,  
by its Secretary, Coimbatore

... Respondents

This petition came up before me for final hearing on 25-03-2026 in the presence of **Thiru.T.Vivekanandan**, Advocate for the Petitioner, and **Thiru.V.Arul Kumar**, Government Pleader for the 7<sup>th</sup> Respondent and the Respondents 1 to 6 remained ex-parte and upon perusing the records and TROP No.108/2025

hearing both side arguments 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 CPC to transfer the suit in O.S.No.247/2022 pending on the file of Principal District Munsif, Coimbatore to the file of III Additional District Judge, Coimbatore to try jointly along with the suit in O.S.No.304/2022 pending thereon.

**2) Averments contained in the petition :-**

- i. The 1<sup>st</sup> Respondent herein has filed a suit in O.S.No.247 of 2022 on the file of Principal District Munsif, Coimbatore against the Petitioner for permanent injunction and other reliefs.
- ii. The Petitioner has filed a suit in O.S.No.304 of 2022 before III Additional District Court, Coimbatore against the Respondents for declaration and consequential relief of injunction and other reliefs. The said suit is a comprehensive one.
- iii. In both the suits the property is one and the same. The main contesting parties in both the suits are also the same. The documents to be produced and evidence to be let in are also same. In the interest of Justice and to avoid conflicting decisions both the suits have to be tried together by the same Court. Hence the Petitioner has come forward with this application. The suit in

O.S.No.247 of 2022 on the file of Principal District Munsif, Coimbatore may be tried along with the suit in O.S.No.304 of 2022 on the file of III Additional District Judge, Coimbatore.

3. The learned Government Pleader for the 7<sup>th</sup> Respondent has filed a memo stating that the petition may be allowed without prejudice to the Respondent No.7 herein.

4. Though the Respondent No.1 has appeared through their counsel, subsequently they have not come forward to file their objection to this petition, hence they were called absent and set ex-parte on 18-02-2026. In spite of receipt of notice, the Respondents 2 to 6 have not chosen to appear before this Court, and they were called absent and set ex-parte on 20-06-2025.

**5. Point for consideration :**

Whether suit in O.S.No.247/2022 pending on the file of Principal District Munsif, Coimbatore is ordered to be transferred to the file of III Additional District Judge, Coimbatore to be tried jointly along with the suit in O.S.No.304/2022 or not, is the point for consideration?

**Point :**

6. Heard and perused the relevant records. The learned counsel for the Petitioner has submitted that the 1<sup>st</sup> Respondent herein has filed a suit in

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O.S.No.247 of 2022 on the file of Principal District Munsif, Coimbatore against the Petitioner for permanent injunction and other reliefs. The Petitioner has filed a suit in O.S.No.304 of 2022 before III Additional District Court, Coimbatore against the Respondents for declaration and consequential relief of injunction and other reliefs. In both the suits the property is one and the same. The main contesting parties in both the suits are also the same. The documents to be produced and evidence to be let in are also same. In the interest of Justice and to avoid conflicting decisions both the suits have to be tried together by the same Court and prays to allow the petition.

7. The learned Government Pleader for the 7<sup>th</sup> Respondent has filed a memo stating that the petition may be allowed without prejudice to the Respondent No.7 herein.

8. Though the Respondent No.1 has appeared through their counsel, subsequently they have not come forward to file their objection to this petition, hence they were called absent and set ex-parte on 18-02-2026. In spite of receipt of notice, the Respondents 2 to 6 have not chosen to appear before this Court, and they were called absent and set ex-parte on 20-06-2025.

9. On perusal of the copy of the plaint in both the suits, it reveals that both the suits involve the same property. It is settled law that, if the suits filed in

different courts on the same cause of action, it is desirable that the suits shall be tried by one and the same Court. In this petition, the Petitioner made out the case that, in both suits, common questions of fact and law is involved, it is desirable that, the suits shall be tried together. 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.

**In the result, this petition is allowed. The suit in O.S.No.247/2022 pending on the file of Principal District Munsif, Coimbatore is ordered to be withdrawn and transferred to the file of III Additional District Judge, Coimbatore to try along with the suit in O.S.No.304/2022 pending thereon. The transferee Court shall decide whether the suits are to be tried jointly or simultaneously before commencing trial. No costs.**

This order is dictated to the steno typist directly, typed by her in the system, corrected and pronounced by me in the open court, this the 07<sup>th</sup> day of April 2026.

PRINCIPAL DISTRICT JUDGE,  
COIMBATORE.

Copy to :

1. The III Additional District Judge, Coimbatore.
2. The Principal District Munsif, Coimbatore.

FAIR/DRAFT ORDER  
TROP No.108/2025  
DATED : 07-04-2026  
PDJ, CBE.

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