

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, COIMBATORE

Present: Tmt. SRIDEVI J, B.Sc., M.L., P.G.D.F.Sc.,
Principal District Judge, Coimbatore.

Monday, this the 31st day of August 2026

TRANSFER ORIGINAL PETITION No.120/2025

CNR No.TNCB010022412025

1. N.N.Kaliammal
2. N.N.Shanmugavadivel
3. N.N.Kavithashri ... Petitioners

/vs/

1. D.Saradhamani
2. D.Prakash
3. D.Senthilkumar
4. N.Arukkutty
5. Kamalammal @ Kamalam
6. V.Chellammal
7. M.Lakshmi
8. K.Savithiri
9. S.Bhupathi @ Poovaathaal
10.Sarasammal @ Saraswathi
11.N.Gunasekaran
12.N.Manoranjini Uthamaraj
13.M.Maragatham
14.M.Sriramalingam
15.P.Kandasamy
16.S.Balakrishnan
17.S.Ramajeyam ... Respondents

This petition came up before me for final hearing on 12-08-2026 in the presence of **Thiru.S.Jagadheesan**, Advocate for the Petitioners and the Respondents remained ex-parte and upon perusing the records and hearing the arguments of the Petitioner's side 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 C.P.C to transfer the suit in O.S.No.952/2019 pending on the file of the learned III Additional District Munsif, Coimbatore to the file of the learned II Additional Subordinate Judge, Coimbatore to be tried jointly along with the suit in O.S.No.747/2023 pending thereon.

2) Averments contained in the petition :

- i. The Respondent No.17 herein filed the suit in O.S.No.952/2019 on the file of III Additional District Munsif, Coimbatore against the Petitioners and the Respondents 1 to 16 for the relief of permanent injunction. The Petitioners herein filed the suit in O.S.No.747/2023 on the file of II Additional Subordinate Judge, Coimbatore against the Respondents for the reliefs of declaration and injunction.
- ii. In both the suits, the parties and suit property are one and the same. The issue to be decided in both the suits is also same. If both the suits are disposed of independently, it will lead to conflict of judgment and create so many legal

implications. The joint trial of both the suits will avoid separate overlapping evidence being taken, and joint trial of both the proceedings will be more convenient to in the interest of the parties and in the interest of effective trial of cases and in the interest of justice. Therefore, the Petitioners pray to allow the petition.

3. The Respondents remained ex-parte.

4. Point for consideration :

Whether the petition of transfer is liable to be allowed?

Point :

5. Heard and perused the records. The Petitioners herein are the Plaintiffs in O.S.No.747/2023 pending on the file of the II Additional Subordinate Judge, Coimbatore, which is filed for the reliefs of declaration and injunction. The Respondent No.17 herein has filed a suit in O.S.No.952/2019 on the file of the III Additional District Munsif, Coimbatore, against the Petitioners and Respondents 1 to 16 seeking permanent injunction.

6. The Petitioners contend that in both the suits, the array of parties, the subject matter of the suit property, and the core issues to be adjudicated are identical; if both suits are tried and disposed of independently by different Courts, it may result in overlapping evidence, cause severe administrative inconvenience, and pronouncing conflicting judgments; hence, joint trial is sought in the interest of justice.

7. The Respondents 1 to 4, 6 to 17 and the Respondent No.5 were called absent and set ex-parte on 16-12-2025 and 12-08-2026 respectively.

8. Perusal of the records reveal that, the parties in both suits are identical, and the dispute revolves around the very same suit property. While O.S.No.952/2019 is the suit for bare injunction, the subsequent suit in O.S.No.747/2023 is the comprehensive suit for declaration of title and injunction.

9. 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 Petitioners made out the case that, in both the 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 of conflicting judgments by two forums. Therefore, this Court is inclined to allow the petition.

In the result, this petition is allowed. The suit in O.S.No.952/2019 pending on the file of the III Additional District Munsif, Coimbatore is ordered to be withdrawn and transferred to the file of the II Additional Subordinate Judge, Coimbatore to be tried along with the suit in O.S.No.747/2023, with liberty to the learned Trial Court to decide whether both the suits are to be tried jointly or simultaneously. The learned III Additional District Munsif, Coimbatore is directed to transmit the entire case records duly indexed pertaining to O.S.No.952/2019 to the II Additional Subordinate

Judge, Coimbatore within a period of two weeks from the date of receipt of the copy of this order. 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 31st day of August 2026.

PRINCIPAL DISTRICT JUDGE,
COIMBATORE.

Copy to :

1. The II Additional Subordinate Court, Coimbatore
2. The III Additional District Munsif, Coimbatore

FAIR/DRAFT ORDER
TROP No.120/2025
DATED : 31-08-2026
PDJ, CBE.