

**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 3rd day of June, 2026

(திருவள்ளூர்வராண்டு, 2057, பராபவ ஆண்டு வைகாசி திங்கள் 20-ஆம் நாள் புதன்கிழமை)

TRANSFER ORIGINAL PETITION No.165/2025
(CNR No.TNCB0100010035872025)

V.K.Mani

... Petitioner

/vs/

1. S. Selvakumar
2. S. Parimalam
3. T. Rajan
4. K. Balasubramaniam
5. N. Ganesan
6. The Sub Registrar,
Periyanaickenpalayam,
Coimbatore District.
7. The State of Tamil Nadu,
Rep. by its Collector,
Coimbatore - 18.

... Respondents

This petition came up for final hearing on 21-04-2026 before this Court in the presence of **Tvl.P.Krishna Kumar and C.Balasubramaniam**, Advocates for the petitioner and of **Tvl.S.Sinnaraj and S.Ganesan**, Advocates for the respondents No.1 and 2 and 3rd respondent having been called absent and set exparte and of **Thiru.S.Pravin Kumar**, Advocate for the 4th respondent and of **Tvl.R.Balaji and J.Krishna Kumar**, Advocate for the 5th respondent and of **Thiru.V.Arul Kumar, Government Pleader**, represented the respondents No.6

and 7, and upon perusing the petition, counter and other relevant records and hearing the 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 of Civil Procedure Code, praying to transfer the suit in O.S.No.871/2020 which is pending on the file of the V Additional District Munsif, Coimbatore, to the file of I Additional District Judge, Coimbatore to be tried along with the suit in O.S.No.19/2021.

2. Averments contained in the petition :

(i) The petitioner has filed the suit in O.S.No.19/2021, before the Ist Additional District Judge of Coimbatore, seeking the reliefs of Declarations, Permanent Injunction, Mandatory Injunction and for other reliefs with respect to the property mentioned therein, namely an extent of 27 cents of land situated in S.F.No.411/6 Bilichi Village, Coimbatore North Taluk. The said property was purchased by the plaintiff in the year 2009, by a registered sale deed dated 02-11-2009 executed by the 3rd respondent in favour of the Plaintiff.

(ii) Namely the extent of 27 cents formed part of a larger extent of 2.04 acres, originally belonged to the 1st respondent. The 2nd respondent is the wife of the

1st respondent. The 1st respondent had mortgaged the same in the financial concern run by the respondents 4 and 5 in Namakkal, and obtained financial accommodation. After the discharge of the mortgage debt, the 1st respondent sold an extent of 2-02 acres, leaving out an extent of 2 cents for pathway, in the year 1998 to the respondents 4 and 5, who later parted with the same in favour of 3rd parties including the petitioner and the 3rd respondent. Under a series of transactions mentioned in the plaint in O.S.No.19/2021, filed by the petitioner, the ultimately the remaining property, except the extent of 27 cents, which is the suit property, came to be possessed by the 1st respondent and his allies, who chose to promote the same into house sites and sold them to various third parties.

(iii) The petitioner who is a resident of Namakkal, was under the genuine belief that the suit property belonged to him, until 2021, when to his shock he came to know that the 1st Respondent is asserting rival claim, on the basis of an alleged decree for permanent injunction, with respect to his alleged possession, which he had obtained in O.S.No.517/2008 on the file of the District Munsif Court, Coimbatore, against the vendor of the petitioner, namely the 3rd respondent and against the respondents 4 and 5, with respect to the entire extent of 2-04 acres. The plaintiff found that the basis of the claim of the 1st respondent was that, at the time when the respondents 4 and 5 sold the property to him in 1998, they had also allegedly entered into a re-conveyance agreement with the

wife of the 1st respondent, namely the 2nd respondent, and that pursuant to the same, the 1st respondent and his wife were put in possession of the property. The petitioner is not a party to the said suit in O.S.No.517/2008. And no such reconveyance agreement was proved by the 1st respondent in the said suit O.S.No.517/2008. However the 1st respondent chose to get a decree in the said suit in his favour in the said suit. Hence the plaintiff was constrained to file the above suit, namely O.S.No.19/2021, as mentioned above with respect to the suit property claiming, among other reliefs, that the decree obtained by the 1st respondent in O.S.No.517/2008 is not valid and binding on him.

(iv) He came to note that with respect to the suit property of 27 cents, the respondents 1 and 2 have filed a suit in O.S.No.871/2020 on the file of the District Munsif Court, Coimbatore against the vendor of the petitioner, namely the 3rd respondent, as also against the petitioner's vendor the 3rd respondent, and the petitioner for injunction alleging that they are in possession of the same, which is false. Though the said suit is said to be filed in the year 2020, the petitioner came to know of the same only in the year 2023, and he has entered appearance in the suit and has filed a written statement resisting the claim of the respondents 1 and 2 in the suit.

(v) The subject matter of both the suits namely O.S.No.19/2021, and O.S.No.871/2020, are the same and the issue that arises for consideration in

both the matters is as to the title and possession of the same, vis-a-vis the petitioner on the one hand and the respondents 1 and 2 on the other. It is also pertinent to note that more or less the same transactions are referred to both the suits, with respect to the suit property. In the above circumstances, unless both the suits are ordered to be tried together, the petitioner will suffer loss. On the contrary if both the suits are tried separately, there is a possibility of conflicting judgments being rendered, in which case much prejudice will be caused to the petitioner. Hence, the petitioner filed the present petition.

3. **The 1st respondent filed counter and the same has been adopted by the respondents No.2 and 4. The averments contained in the counter are as follows:-**

(a) The application filed by the petitioner is false, frivolous, vexatious and not maintainable either in the eye of law or on facts.

(b) The allegation in para No.3 of the petition that the petitioner has filed the above suit against the respondents, as aforesaid, in O.S.No.19 of 2021 on the file of the 1st Additional District Judge of Coimbatore, seeking the reliefs of Declarations, Permanent Injunction, Mandatory Injunction and for other reliefs with respect to the property mentioned therein, namely an extent of 27 cents of land situate in S.F.No.411/6 Bilichi Village, Coimbatore North Taluk, the said property was purchased by the plaintiff in the year 2009, by a registered sale

deed dated 02-11-2009 executed by the 3rd Respondent in favour of the Plaintiff is denied as false.

(c) The allegation in para No. 4 of the petition that the suit property, namely the extent of 27 cents formed part of a larger extent of 2.04 acres, originally belonged to the 1st respondent, the 2nd respondent is the wife of the 1st respondent, the 1st respondent had mortgaged the same in the financial concern run by the respondents 4 and 5 in Namakkal, and obtained financial accommodation, after the discharge of the mortgage debt, the 1st respondent sold an extent of 2.02 acres, leaving out an extent of 2 cents for pathway, in the year 1998 to the respondents 4 and 5, who later parted with the same in favour of 3rd parties including the petitioner and the 3rd respondent, under a series of transactions mentioned in the plaint in O.S. No.19/2021, filed by the petitioner, the ultimately the remaining property, except the extent of 27 cents, which is the suit property, came to be possessed by the 1st respondent and his allies, who chose to promote the same into house sites and sold them to various third parties, the petitioner who is a resident of Namakkal, was under the genuine belief that the suit property belonged to him, until 2021, when to his shock he came to know that the 1st respondent is asserting rival claim, on the basis of an alleged decree for permanent injunction, with respect to his alleged possession, which he had obtained in O.S.No.517/2008 on the file of the District Munsif Court, Coimbatore, against the vendor of the petitioner, namely the 3rd

respondent and against the respondents 4 and 5, with respect to the entire extent of 2.04 acres, the plaintiff found that the basis of the claim of the 1st respondent was that, at the time when the respondents 4 and 5 sold the property to him in 1998, they had also allegedly entered into an re-conveyance agreement with the wife of the 1st respondent, namely the 2nd respondent, and that pursuant to the same, the 1st respondent and his wife were put in possession of the property, the petitioner is not a party to the said suit in O.S.No.517/2008 and no such re-conveyance agreement was proved by the 1st respondent in the said suit O.S.No.517/2008, however the 1st respondent chose to get a decree in the said suit in his favour in the said suit, hence the plaintiff was constrained to file the above suit, namely O.S.No.19/2021, as mentioned above with respect to the suit property claiming, among other reliefs, that the decree obtained by the 1st respondent in O.S.No.517 of 2008 is not valid and binding on him are all false and put the petitioner to strict proof of the same.

(d) The allegation in para No. 5 of the petition that he came to note that with respect to the suit property of 27 cents, the respondents 1 and 2 have filed a suit in O.S.No.871/2020 on the file of the District Munsif Court, Coimbatore against the vendor of the petitioner, namely the 3rd respondent, as also against the petitioner's vendor the 3rd respondent, and the petitioner for injunction alleging that they are in possession of the same, which is false. Though the said suit is said to be filed in the year 2020, the petitioner came to know of the same only in

the year 2023, and he has entered appearance in the suit and has filed a written statement resisting the claim of the respondents 1 and 2 in the suit are all specifically and emphatically denied.

(e) The allegation in para No. 6 of the petition that the subject matter of both the suits namely O.S.No.19/2021, and O.S.No.871/2020, are the same and the issue that arises for consideration in both the matters is as to the title and possession of the same, vis-à-vis the petitioner on the one hand and the respondents 1 and 2 on the other, it is also pertinent to note that more or less the same transactions are referred to both the suits, with respect to the suit property, in the above circumstances, unless both the suits are ordered to be tried together, the petitioner will suffer loss, on the contrary if both the suits are tried separately, there is a possibility of conflicting judgments being rendered, in which case much prejudice will be caused to the Petitioner are also denied as false. The petition lacks merits and bonafides.

4. Notice to the 3rd respondent served. Though the 3rd respondent received notice, he has not chosen to appear before this Court. Hence, 3rd respondent was called absent and set exparte on 09-10-2025. The learned counsel for the respondent No.5 filed a memo stating no counter. The learned Government Pleader who represents the respondents No.6 and 7 filed a memo stating that this petition may be allowed without prejudice to the respondents No.6 and 7.

5. **The point for consideration :**

“Whether the suit in O.S.No.871/2020 which is pending on the file of the V Additional District Munsif, Coimbatore, is to be transferred to the file of the I Additional District Judge, Coimbatore, to be tried along with the suit in O.S.No.19/2021, or not?”

POINT:-

6. Heard and perused the relevant records. This petition has been filed by the petitioner, praying to transfer the suit in O.S.No.871/2020 which is pending on the file of the V Additional District Munsif, Coimbatore, to the file of the I Additional District Judge, Coimbatore, to be tried along with the suit in O.S.No.19/2021.

7. The learned counsel for the petitioner would argue that, the subject matter of both the suits namely O.S.No.19/2021, and O.S.No.871/2020, are the same and the issue that arises for consideration in both the matters is as to the title and possession of the same, vis-a-vis the petitioner on the one hand and the respondents 1 and 2 on the other and transactions are referred to both the suits held with respect to the same property and in the above circumstances, unless both the suits are ordered to be tried together, there is a possibility of conflicting judgments being rendered, and prays to allow the petition.

8. Denying the entire averments stated in the petition as false, the learned counsel for the respondents No.1 and 2 and the learned counsel for the respondent No.4 would argue that there is no merit in this petition and prayed to dismiss the same.

9. 3rd respondent remains exparte. The learned counsel for the 5th respondent has filed a memo stating no counter. The learned Government Pleader who represents the respondents No.6 and 7 filed a memo stating that this petition may be allowed without prejudice to the respondents No.6 and 7.

10. This Court has considered the submissions made by both side and perused the copy of plaints in O.S.No.871/2020 and O.S.No.19/2021. The respondents No.1 and 2 are husband and wife.

11. The respondents No.1 and 2 filed a suit in O.S.No.871/2020, against the 3rd respondent and the petitioner, seeking the relief of permanent injunction. The case of the respondents No.1 and 2 is that, the respondents No.1 and 2 are husband and wife. The 1st respondent is the erstwhile owner of the suit property. The 1st respondent borrowed loan from M/s.Jayaganesh Credit Corporation and Finance. The respondents No.4 and 5 are the Partners of the said company. They had obtained a deed of transfer dated 28-12-1985 from the 1st respondent and on the same day, they had executed a re-conveyance in

favour of the 2nd respondent. The 1st respondent retained the possession of the entire property. The suit property is a part of that property i.e., 27 cents of vacant land.

12. The further case of the respondents No.1 and 2 is that, the 4th respondent who got half share in the entire property sold 25 cents of land to the petitioner and sold another 25 cents to P.Ramayee as per sale deed dated 25-03-2001. Both the petitioner and the said Ramayee gave power of attorney in the name of the 1st respondent empowering him to deal with the property. Then the 1st respondent sold the property to one Arunshankar. Hence, the 4th respondent who retained the suit property sold it to the petitioner as per sale deed dated 29-03-2001. The respondent No.4 and 5 have sold their rest of the property to one Jayamani as per the sale deed dated 04-09-2006 and accordingly except 27 cents of the land in the name of the 4th respondent, the respondents No.1 and 2 secured rest of the entire property. The respondents No.1 and 2 filed a suit in O.S.No.517/2008 before the learned II Additional District Munsif, Coimbatore and protected their possession and they had obtained a decree dated 30-07-2019.

13. The further case of the respondents No.1 and 2 is that, the petitioner is nothing but lis pendence purchaser and his benami and bound by the decree and now the petitioner is trying to bypass the decree and started to disturb with the peaceful possession and enjoyment of the respondents No.1 and 2 in the suit

property and hence, they have filed the suit in O.S.No.871/2020. As of now, the above said suit is pending before the V Additional District Munsif, Coimbatore.

14. The petitioner has filed the suit in O.S.No.19/2021, against the respondents No.1 to 7, seeking the relief of declaration, permanent injunction and mandatory injunction. The case of the petitioner is that, the suit property belongs to the 1st respondent and subsequently the 1st respondent mortgaged the said property with a finance company in which, the respondents No.4 and 5 are partners. After purchase, the respondents No.4 and 5 executed sale deeds in favour of third parties in the year 2001. The petitioner had purchased 25 cents of lands. In the year 2007, the petitioner had executed Power of attorney in favour of the 1st respondent and during the years between 2001 and 2008, the respondents No.1, 4 and 5 entered into several transactions with respect to the extent of 2.02 acres in S.F.Nos. 411/6 and 414/4, Bilichi Village, Coimbatore Taluk, in which, they formed an unapproved layout known as “Manis Nagar“ and laid out the same comprising of several house sites and sold the same to several third parties proclaiming that the suit property also allegedly formed part of the said layout. Subsequently in the year 2008, the respondents No.1 and 2 filed a suit in O.S.No.517/2008 before the learned District Munsif, Coimbatore and obtained a fraudulent decree for injunction. Thereafter, the 1st respondent unlawfully claimed title and possession to the suit property, which is a vacant site, and unlawfully tried to interfere with the petitioner’s possession of

the same. Under the above said circumstance, the petitioner filed the suit in O.S.No.19/2021, seeking the relief of declaration, permanent injunction and mandatory injunction. As of now, the above said suit is pending before the I Additional District Judge, Coimbatore.

15. On conjoint reading the averments stated in the plaints, it reveals that both the petitioner and the respondents No.1 and 2 claimed right or title over the property situated in S.F.No.411/6 in Bilichi Village. According to the petitioners, in both the suits, the parties to the proceedings, property in dispute, issues that has to be decided are one and the same. Though the respondents No.1, 2 and 4 raised objection to transfer the suit, taking into consideration of all the above, as in both the cases, parties to the proceedings, property in dispute, the issues to be decided, are all one and the same and hence, 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 suit in O.S.No.871/2020 which is pending on the file of the V Additional District Munsif, Coimbatore is ordered to be withdrawn and transferred to the file of the I Additional District Judge, Coimbatore. The transferee Court shall decide whether the suits [O.S.No.871/2020 and O.S.No.19/2021] 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 3rd day of June, 2026.

PRINCIPAL DISTRICT JUDGE,
COIMBATORE.

Copy to:-

1. The V Additional District Munsif, Coimbatore.
2. The I Additional District Judge, Coimbatore.

//True copy//

Draft Order in
Tr.O.P.No.165/2025
Dated:03-06-2026.