

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 10th day of March 2026

திருவள்ளூர் ஆண்டு 2057 தமிழ் விசுவாச ஆண்டு மாசி மாதம் 26ம் நாள்
செவ்வாய்கிழமை

TRANSFER ORIGINAL PETITION No.187/2024

CNR No.TNCB010059652024

V.Sundarraaj

... Petitioner

/vs/

1. Saraswathy Venkatesan
2. Jeyanthi Rangaraj
3. The Sub Registrar, Peelamedu
4. The Sub Registrar, Joint-I, Coimbatore
5. The Sub Registrar, Sulur
6. The Sub Registrar, Ganapathy
7. The Tashildar, Coimbatore North Taluk
8. G.Chandhrakandhi
9. G.Ramesh
10. Sakunthala
11. M/s. Luker Electric Technologies Private
Limited represented by Senior Commercial
Head Radhakrishnan
12. M/s. Excel Enterprises
represented by its Partner P.Sudhir
13. M/s. Associate Dwelling
represented by Managing Director P.K.Rajesh

14.M/s.Nethiri

represented by R.Abinethiri

15.M/s.Gilbarco Veeder Root

represented by its Managing Director.

... Respondents

This petition came up before me for final hearing on 09-03-2026 in the presence of **M/s.Panchapakesan Associates**, Advocates for the Petitioner, and **Thiru.T.R.Duraisamy**, Advocate for the 1st Respondent and **Tvl.S.Dorairaj, K.Saravanan and B.Reshama**, Advocates for the 2nd Respondent and **Thiru.V.Arul Kumar**, Government Pleader for the Respondents 3 to 7 and the Respondents 8 to 14 remained ex-parte and the Respondent No.15 remained ex-parte in the suit, hence notice to the Respondent No.15 in this petition is dispensed with and upon perusing the records and 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 read with 151 of CPC to transfer the suit in O.S.No.423/2023 pending on the file of IV Additional District Judge, Coimbatore to the file of III Additional District Judge, Coimbatore to try jointly/simultaneously along with the suit in O.S.No.277/2023 pending thereon.

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

i. The Petitioner and second Respondent has filed two suits. The first suit has been filed by the Petitioner in O.S.No.277 of 2023 pending on the file of III Additional District Judge, Coimbatore and the second suit has been filed by the second Respondent in O.S.No.423 of 2023 pending on the file of IV Additional District Judge, Coimbatore. Both the suits are connected. The Petitioner and the second Respondent are brother and sister and first Respondent is their mother. The Respondents 3 to 7 are Governmental authorities and under whose jurisdiction the suit properties in O.S.No.277 of 2023 are situated. Respondents 8, 9 and 10 are relatives of the Petitioner who are Defendants 3, 4 and 5 in the plaint in O.S.No 423 of 2023. The Respondents 11 to 15 are tenants in the suit property belonging to the Petitioner.

ii. Father R.Venkatesan and mother, the first Respondent herein had substantial immovable properties.

A. The list of immovable properties so possessed by first Respondent and R.Venkatesan are as follows:

i. The property measuring an extent of 1.00 Ac in Villankurichi Village was originally purchased by Petitioner, first Respondent along with Ammaniammal (Grandmother of Petitioner) and her sister Shantha under a Deed of Sale dated

19.03.1980 and registered as Document No.1714/1980 before the office of Joint-I Sub-Registrar, Coimbatore. This property was subsequently transferred to the Petitioner and first Respondent in the ratio 54.5:45.5 respectively. The building in the said property was built-up by the Petitioner and part by M/s.Brook Engineering Industries, which is the owner of the structures and fixtures therein. The property measuring an extent of 24 Cents in A.T.T. Colony was purchased by and in the name of Petitioner and first Respondent under two sale deeds dated 24.04.1980 and 03.05.1980 and registered as Document Nos.3040/1980 and 3041/1980 respectively before the office of Joint-I Sub-Registrar, Coimbatore. In this the Petitioner at his exclusive has put up a building which stands leased out to tenants. The mother/first Respondent was entitled to a 50% share in the land alone.

ii. The property measuring an extent of 75 Cents in Kanniyur Village was purchased by first Respondent under a Deed of Sale dated 22.01.1996 and registered as Document No.126/1996 before the office of Sub-Registrar, Sulur. The property measuring an extent of 9 Cents 324 Sq.ft in Site No.5 of Yaratharal Nagar was acquired by first Respondent by virtue of Deed of Release dated 15.10.1979 and registered as Document No.5837/1979 before the office of Sub-Registrar, Coimbatore.

iii. The property measuring an extent of 1260 Sq.ft in Dr.Munnusamy Garden was purchased by first Defendant under a Deed of Sale dated 26.07.1967 and registered as Document No.3245/1967 before the office of Joint- I Sub-Registrar, Coimbatore.

B. List of Properties of R.Venkatesan

i. The property measuring 75 cents in Kanniyur Village was purchased by R.Venkatesan under a Deed of Sale dated 27.12.1995 and registered Document No.6434/1995 before the office of Sub-Registrar, Sulur. The property measuring 16 Cents 230 Sq.ft in Villankurichi Village was purchased by R.Venkatesan under a Deed of Sale dated 03.08.2004 and registered as Document No.3125/2004 before the office of Sub-Registrar, Ganapathy. The property measuring 84½ cents in Kanniyur Village was purchased by R.Venkatesan under a Deed of Sale dated 30.12.2010 and registered as Document No.651/2011 before the office of Sub-Registrar, Sulur.

iii. Even during end of 2004 and early 2005, father R.Venkatesan had initiated discussions amongst the family for an amicable and smooth succession to the properties after the lifetime of the parents. Such talks/discussions were held with the participation of P.K.Kannan, who was the confidant in whom father confided on property matters. Pursuant to such discussion and in January 2005,

father R.Venkatesan and mother (first Respondent) had brought about a family arrangement with regard to allotment of the immovable properties standing in their name amongst the Petitioner and second Respondent, after their lifetime. The family arrangement so concluded was also reduced to writing in the form of Three registered Wills, duly executed and registered all on the same day by R.Venkatesan and the first Respondent, the details of which are as follows:

- i. R.Venkatesan executed a Will dated 10.03.2005 and registered as Document No.115/2005 before the office of Registrar of Coimbatore.
- ii. Saraswathy Venkatesan executed a Will dated 10.03.2005 and registered as Document No.116/2005 before the office of Registrar of Coimbatore.
- iii. Saraswathy Venkatesan executed a Will dated 10.03.2005 and registered as Document No.117/2005 before the office of Registrar of Coimbatore.
- iv. The aforesaid Wills were executed on the same day i.e 10th March 2005 in implementation of the concluded family arrangement by and amongst the family of R.Venkatesan. As per the concluded family arrangement, all the properties in the name of father - R.Venkatesan, then owned and all those that may be purchased, along with the share in the businesses – M/s.Supreme Engineering Industries and M/s.Brooks Engineering Industries were allotted and to be taken by the Petitioner. This is clearly spelt out in the Will of the father registered as

Document No.115/2005. In so far as the properties of the mother, the first Respondent had executed two Wills bearing Document Nos.116 of 2005 and 117 of 2005, with the document bearing No.116 of 2005 in favor of Petitioner confirming the allotment of item (i) to (iii) in A list of properties to Plaintiff while under Will bearing No.117 of 2005 confirming the property in item (iv) and (v) in A list of properties to the second Defendant. The Wills were executed by the parents voluntarily in a sound disposing state of mind and in implementation of the concluded family arrangement. As under the concluded family arrangement, properties were to be taken by the Petitioner and the second Respondent after the lifetimes of the parents, it was reduced in the form of Wills rather than other document. Though it concluded that the allotments of properties were final and irreversible notwithstanding the fact that it was to take effect after the life times of the parents.

v. After death of father, Respondents 1 and 2 began to act against the family agreement and first Respondent had executed the following settlement deeds in favour of the second Respondent a) Settlement dated 12.01.2023 and registered as Document No.344/2023 before the office of Sub-Registrar, Ganapathy b) Settlement dated 12.01.2023 and registered as Document No.446/2023 before the office of Joint - I Sub-Registrar, Coimbatore c) Settlement dated 19.10.2022

and registered as Document No.17604/2022 before the office of Sub-Registrar, Sulur d) Settlement dated 31.10.2022 and registered as Document No.4966/2022 before the office of Sub-Registrar, Peelamedu e) Settlement dated 17.11.2022 and registered as Document No.8519/2022 before the office of Joint- I Sub- Registrar of Coimbatore. In view of such act the Petitioner was constrained to file suit in O.S.No 277 of 2023 which is pending on the file of III Additional District Judge, Coimbatore seeking to declare that the family arrangement brought about by R.Venkatesan and first Defendant amongst the family including Plaintiff and second Defendant as evidenced in the Wills dated 10.03.2005 and registered as Document Nos 115/2005, 116/2005 and 171/2005 respectively before the office of District Registrar, Coimbatore and to declare all the above mentioned settlement deed as null and void, non-est & invalid in law and not binding upon the Petitioner.

vi. The second Respondent has filed a suit in O.S.No.423 of 2023 in respect of part of the suit properties in O.S.No.277 of 2023 contending as if the suit properties in O.S.No.423 of 2023 are ancestral properties and hence the second Respondent has share in the same. The Petitioner is contesting the suit in O.S.No.423 of 2023 and has filed a detailed written statement raising the defence that the properties belong to the Petitioner as per family arrangement.

vii. The issues to be decided in suit O.S.No.277 of 2023 and O.S.No.423 of 2023 are one and the same i.e whether there is a family arrangement as contended by the Petitioner. Two suits in respect of the same property are pending and rights are being alleged contra to each other by the Petitioner and the second Respondent. In such circumstances if the two suits are independently proceeded within two different courts there is a possibility of different judgment being granted. The same ought not to be permitted. If the suits are tried jointly it will prevent multiplicity of proceedings and give a clear and unambiguous judgment. Further much judicial time will be saved. The property covered in O.S.No.423 of 2023 are only a part of property covered under O.S.No.277 of 2023. In respect of other properties in O.S.No.277 of 2023 the second Respondent has filed another suit in O.S.No.1233 of 2022 which is presently pending before III Additional District Judge, Coimbatore. Hence transfer of O.S.No 423 of 2023 is being sought for. In such circumstances unless the suit in O.S.No.423 of 2023 pending on the file of IV Additional District Judge, Coimbatore is ordered to be transferred to the file of III Additional District Judge, Coimbatore to be tried along with O.S.No.277 of 2023 pending therein the Petitioner will be put to much loss and hardship. No prejudice will be caused to the Respondents if such transfer is ordered. It will also give quietus to

all the disputes in one trial thereby give an effective adjudication. Having a joint/simultaneous trial of both the suits will ensure that there is no multiplicity of proceedings and also save much of judicial time. Hence the present application. Unless such transfer is ordered the Petitioner will be put to irreparable loss and hardships.

3. The learned counsel for the 1st Respondent has filed a memo stating that without prejudice to the right of the 1st Respondent to contest the suits, the above transfer application may be allowed. The learned counsel for the 2nd Respondent has filed a memo stating that the 2nd Respondent has no counter and the petition may be allowed without costs. The learned counsel for the Respondents 3 to 7 has filed a memo stating that the petition may be allowed without prejudice to the Respondents 3 to 7. Though the Respondents 8 to 10 have appeared through their counsel, subsequently they have not come forward to file their objection to this petition, and they were called absent and set ex-parte on 29-01-2026. In spite of receipt of notice, the Respondents No.11 to 14 have not chosen to appear before this Court and they were called absent, and set ex-parte on 29-01-2026. The Respondent No.15 had already remained ex-parte in the suit, hence notice to the Respondent No.15 in this petition is dispensed with.

4. Point for consideration :

Whether suit in O.S.No. 423 of 2023 pending on the file of IV Additional District Judge, Coimbatore is ordered to be transferred to the file of III Additional District Judge, Coimbatore to be tried along with O.S.No.277 of 2023 or not, is the point for consideration?

Point :

5. Heard and perused the relevant records. The case of the Petitioner is that, the Petitioner filed the suit in O.S.No.277 of 2023 which is pending on the file of III Additional District Judge, Coimbatore. The second Respondent filed the suit in O.S.No.423 of 2023 which is pending on the file of IV Additional District Judge, Coimbatore. Both the suits are connected. The Petitioner and the second Respondent are brother and sister and first Respondent is their mother. Father R.Venkatesan and mother (first Respondent) had brought about a family arrangement with regard to allotment of the immovable properties standing in their name amongst the Petitioner and second Respondent, after their lifetime. The family arrangement so concluded was also reduced to writing in the form of Three registered Wills, duly executed and registered. The aforesaid Wills were executed in implementation of the concluded family arrangement by and amongst the family of R.Venkatesan. As per the concluded family arrangement,

all the properties in the name of father - R.Venkatesan, then owned and all those that may be purchased, along with the share in the businesses – M/s.Supreme Engineering Industries and M/s.Brooks Engineering Industries were allotted and to be taken by the Petitioner. This is clearly spelt out in the Will of the father registered as Document No.115/2005.

6. Further case of the Petitioner is that, in so far as the properties of the mother, the first Respondent had executed two Wills in favor of Petitioner. The Wills were executed by the parents voluntarily in a sound disposing state of mind and in implementation of the concluded family arrangement. As under the concluded family arrangement, properties were to be taken by the Petitioner and the second Respondent after the lifetimes of the parents, it was reduced in the form of Wills rather than other document. Though it concluded that the allotments of properties were final and irreversible notwithstanding the fact that it was to take effect after the life times of the parents. After death of father, Respondents 1 and 2 began to act against the family agreement and first Respondent had executed the settlement deeds in favour of the second Respondent. In view of such act the Petitioner was constrained to file suit in O.S.No.277 of 2023.

7. Further case of the Petitioner is that, the second Respondent has filed a suit in O.S.No.423 of 2023 in respect of part of the suit properties in O.S.No.277 of 2023 contending as if the suit properties in O.S.No.423 of 2023 are ancestral

properties and hence the second Respondent has share in the same. The issues to be decided in suit O.S.No.277 of 2023 and O.S.No.423 of 2023 are one and the same. Two suits in respect of the same property are pending and rights are being alleged contra to each other by the Petitioner and the second Respondent. In such circumstances if the two suits are independently proceeded within two different courts there is a possibility of different judgment being granted. The same ought not to be permitted. If the suits are tried jointly it will prevent multiplicity of proceedings and give a clear and unambiguous judgment. Further much judicial time will be saved.

8. Further case of the Petitioner is that, the property covered in O.S.No.423 of 2023 are only a part of property covered under O.S.No.277 of 2023. In respect of other properties in O.S.No.277 of 2023 the second Respondent has filed another suit in O.S.No.1233 of 2022 which is presently pending before III Additional District Judge, Coimbatore. Hence transfer of O.S.No.423 of 2023 is being sought for.

9. The Respondents 1 to 7 have no objection. The Respondent 8 to 14 remained ex-parte and notice to the Respondent No.15 is dispensed with.

10. On perusal of the copy of the plaint in both the suits, it reveals that both the suits involve the same property, and the parties in both the suits are one and the same. 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.423/2023 pending on the file of IV Additional District Judge, Coimbatore is ordered to be withdrawn and transferred to the file of III Additional District Judge, Coimbatore to try jointly/simultaneously along with the suit in O.S.No.277/2023 pending thereon. 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 10th day of March 2026.

PRINCIPAL DISTRICT JUDGE,
COIMBATORE.

Copy to :

1. The III Additional District Judge, Coimbatore.
2. The IV Additional District Judge, Coimbatore.

FAIR/DRAFT ORDER
TROP No.187/2024
DATED : 10-03-2026
PDJ, CBE.