

**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 2<sup>nd</sup> day of June, 2026**

(திருவள்ளூர்வராண்டு, 2057, பராபவ ஆண்டு வைகாசி திங்கள் 19-ஆம் நாள் செவ்வாய்கிழமை)

**TRANSFER ORIGINAL PETITION No.290/2025**  
**(CNR No.TNCB010069602025)**

1. Murthy  
2. Nagajothi  
3. Sasikala  
4. Chitra ... Petitioners

//vs//

Muruganandam ... Respondent

This petition came before me for final hearing on 18-04-2026 in the presence of **Tvl. R.Manikandan and M.Devika**, Advocates for the Petitioners and of **Tvl.S.Sumathi and A.M.Saravanan**, Advocates for the respondent, though the respondent entered appearance through his counsel, counter not filed, no representation for the respondent, respondent having been called absent and set exparte, and upon perusing the petition and other relevant records and upon hearing arguments, and having stood over for consideration till this day, this Court passes the following:

**ORDER**

This petition has been filed by the petitioners, **through e-Filing**, u/s.24 and Rule 46 of Civil Rules of Practice, praying to transfer the suit in

O.S.No.888/2024 which is pending on the file of the IV Additional District Judge, Coimbatore, to the file of the I Additional District Judge, Coimbatore, to try jointly or simultaneously along with the suit in O.S.No.254/2024 pending therein.

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

(i) The 1<sup>st</sup> petitioner and the 2<sup>nd</sup> petitioner are husband and wife. On 08-10-2004, the 1<sup>st</sup> petitioner purchased the suit property (5½ cent) in his name as well as his wife Nagajothi's name and the said sale deed has been registered as Doc.No.4013/2004 on the file of the District Registrar Joint-I, Coimbatore. The 1<sup>st</sup> petitioner is doing iron scrap business.

(ii) The respondent is the brother of the 1<sup>st</sup> petitioner. The respondent is helping the 1<sup>st</sup> petitioner in his business and he is staying in the house of the 1<sup>st</sup> petitioner along with his family. Due to old age, the petitioners No.1 and 2 requested the respondent to made arrangement for executing settlement deeds in respect of their property in favour of their daughters equally and accordingly two settlement deeds, dated 01-06-2022, have been executed in favour of two daughters of the petitioners No.1 and 2 and the said documents have been registered as Doc.No.4121/2022 and 4122/2022.

(iii) Thereafter, on 26-10-2023, daughter of the petitioners No.1 and 2 verified encumbrance certificate and came to know that the respondent fraudulently had executed a document registered as Doc.No.4122/2022, in his favour in respect of her undivided half share in the suit property. Therefore, on 30-10-2023, a complaint has been lodged before the District Collector, Coimbatore and subsequently 1<sup>st</sup> petitioner filed a suit in O.S.No.254/2024 before the I Additional District Judge, Coimbatore and the same is posed to 13-08-2023.

(iv) Further the respondent has filed the suit in O.S.No.888/2024, seeking the relief of partition and the said suit is now pending before the IV Additional District Judge, Coimbatore and the said case is posted to 21-08-2023.

(v) Both cases are pending for filing written statement. In both the cases, parties to the proceedings, property in dispute, the issue that has to be decided and the oral and documentary evidence that have to be adduced are all one and the same. In the above said circumstance, if both cases are allowed to be tried in separate Courts, there is every possibility for arising conflict judgment and multiplicity of proceedings and hence, the petitioners prayed to allow the petition.

3. Though the respondent entered appearance through his counsel, despite several opportunities, he has not chosen to file counter. Hence, on 15-04-2026,

respondent was called absent and set exparte.

4. **The point for consideration:**

“Whether the suit in O.S.No.888/2024 which is pending on the file of the IV Additional District Judge, Coimbatore, is to be transferred to the file of the I Additional District Judge, Coimbatore, to try jointly / simultaneously with the suit in O.S.No.254/2024, or not?”

**POINT:-**

5. Heard and perused the relevant records. This petition has been filed by the petitioners, praying to transfer the suit in O.S.No.888/2024 which is pending on the file of the IV Additional District Judge, Coimbatore, to the file of the I Additional District Judge, Coimbatore to try jointly / simultaneously with the suit in O.S.No.254/2024.

6. The learned counsel for the petitioners would argue that, In both the cases, parties to the proceedings, property in dispute, the issue that has to be decided and the oral and documentary evidence that have to be adduced are all one and the same. In the above said circumstance, if both cases are allowed to be tried in separate Courts, there is every possibility for arising conflict

judgment and multiplicity of proceedings and hence, the petitioners prayed to allow the petition.

7. Though the respondent entered appearance through his counsel, due to non-filing of counter, the respondent was called absent and set exparte.

8. This Court has considered the submissions made on behalf of the petitioners' side and perused the copy of plaints in O.S.No.254/2024 and O.S.No.888/2024. On perusal of the same, it appears that the 1<sup>st</sup> petitioner and the 2<sup>nd</sup> petitioner are husband and wife. The petitioners No.3 and 4 are the daughters of the petitioners No.1 and 2. The respondent is the brother of the 1<sup>st</sup> petitioner.

9. The 1<sup>st</sup> petitioner filed the suit in O.S.No.254/2024, against the respondent, seeking the relief of declaration, mandatory injunction and permanent injunction. The case of the 1<sup>st</sup> petitioner is that, he is the senior citizen and he is illiterate. He is doing scrap business and the respondent is his brother. On 08-10-2004, he jointly purchased the suit property (5½ cent) with his wife. Since the 1<sup>st</sup> respondent helped him in his business, he allowed the respondent to stay along with him. The further case of the 1<sup>st</sup> petitioner is that, due to old age, he and his wife requested the respondent to make arrangement for executing settlement deeds in respect of their property in favour of their

daughters equally and accordingly two settlement deeds, dated 01-06-2022, have been executed in favour of two daughters. Thereafter, on 26-10-2023, his daughter verified encumbrance certificate and came to know that the respondent fraudulently had executed a document registered as Doc.No.4122/2022, in his favour in respect of her undivided half share in the suit property. Though they have approached various authorities to take action, no fruitful result has been arrived and under the said circumstance, the 1<sup>st</sup> petitioner filed the suit in O.S.No.254/2024, against the respondent, seeking the relief of declaration, mandatory injunction and permanent injunction. As of now, the said suit is pending before the I Additional District Judge, Coimbatore.

10. The respondent herein filed a suit in O.S.No.888/2024, against the petitioners, seeking the relief of partition and permanent injunction. The case of the respondent is that, the 1<sup>st</sup> petitioner is doing iron scrap business and he is doing the same business along with the 1<sup>st</sup> petitioner and subsequently he started a new business. While so, the 1<sup>st</sup> petitioner has not looked after his business properly, he came and had worked along with him. On 08-10-2004, respondent has purchased the property in the name of the petitioners No.1 and 2 and subsequently he had constructed a house and thereafter, parties are residing in the said house jointly. Though the entire property has been purchased by the respondent in the name of the petitioners No.1 and 2, revenue records are stands in the name of the petitioners No.1 and 2 and hence, the respondent requested

the petitioners No.1 and 2 to effect necessary mutation in respect of the property, they continuously evaded the same. Thereafter, the petitioners had executed settlement deed in favour of their daughter. Under the above said circumstances, the respondent has filed the suit in O.S.No.888/2024, seeking the relief of partition and permanent injunction. As of now, the above said suit is pending before the IV Additional District Judge, Coimbatore.

11. On conjoint reading the averments stated in the plaints, it reveals that both the petitioners and the respondent claim right over the property and dispute between the parties revolves around the title or right over the properties mentioned the suit schedule. According to the petitioners, parties to the proceedings, property in dispute, oral evidence that has to be adduced and the issue that has to be decided, are all one and the same, hence, in order to avoid arising of conflict of judgment, it is just and necessary to try both the suits in a single Court. The respondent remains exparte. Taking into consideration of all the above, as in both the suits, parties to the proceedings, the issues to be decided are all one and the same and 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.888/2024 which is pending on the file of the IV Additional District Judge, Coimbatore, is ordered to be withdrawn and transferred to the file of I Additional District Judge, Coimbatore. The transferee Court shall decide whether the suits [O.S.No.888/2024 and O.S.No.254/2024] 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 2<sup>nd</sup> day of June, 2026.

PRINCIPAL DISTRICT JUDGE,  
COIMBATORE.

**Copy to:-**

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

//True copy//

**Draft Order in**  
Tr.O.P.No.290/2025  
Dated:02-06-2026.