

**IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, COIMBATORE**

Present: **Tmt. G. VIJAYA, B.A., M.L., PGDCFS**  
Principal District Judge, Coimbatore.

Monday, this the 06<sup>th</sup> day of April 2026

திருவள்ளூர் ஆண்டு 2057 தமிழ் விசுவாச ஆண்டு பங்குனி மாதம் 23ம் நாள்  
திங்கள்கிழமை

**TRANSFER ORIGINAL PETITION No.325/2024**

**CNR No.TNCB010110892024**

1. G.Maheshwari
  2. V.Nithyalakshmi
  3. Karuppathal
- ... Petitioners

/vs/

1. P.N.Subramanian
  2. N.Damodharan
  3. Suppathal
  4. P.Ganesan
  5. The President  
Kaniyur Village Panchayat
- ... Respondents

This petition came up before me for final hearing on 23-03-2026 in the presence of **Thiru.M.S.Balajee Sridhar**, Advocate for the Petitioners and of **Thiru.P.Devi Saravanan**, Advocate for the Respondents 1 and 2 and

**Thiru.V.Arul Kumar, Government Pleader** for the Respondent No.5 and Respondents No.3 and 4 remained ex-parte and upon perusing the petition and the counter statement and other relevant records and hearing the arguments of both sides and having stood over for consideration till this day, this Court passed the following

**ORDER**

This petition has been filed by the Petitioners under Section 24 of Civil Procedure Code to transfer the suit O.S.No.123/2020 pending on the file of the learned District Munsif, Sulur to the file of the learned V Additional District Judge, Coimbatore to try along with the suit in O.S.No.475/2020 pending thereon.

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

- i. The 1<sup>st</sup> Petitioner herein had filed a suit in O.S.No.123/2020 on the file of District Munsif of Sulur against the Respondents herein seeking for the relief of permanent injunction restraining them from interfering the Petitioners' peaceful possession and enjoyment of the property which was allotted by the learned District Munsif, Palladam in O.S.No.188/2005.
- ii. The Respondents 1 to 3 herein had filed a suit in O.S.No.475/2020 on the file of learned V Additional District Judge, Coimbatore against the Petitioners and the 4<sup>th</sup>

Respondent herein seeking for the relief of partition and declaration besides other reliefs.

iii. The dispute between the Petitioners and the Respondents herein are in respect of the property belonging to late Periyathampigoundar who is the paternal grandfather of the 1<sup>st</sup> Petitioner and the Respondents 1 and 2 herein. As such the respective suits are being filed and are pending before the respective court of jurisdiction. The Petitioners herein are arrayed as the Defendants in O.S.No.475/2020 on the file of V Additional District Judge, Coimbatore., Likewise, the Respondents are arrayed as Defendants in the suit filed by the 1<sup>st</sup> Petitioner herein.

iv. The parties to the both lis are one and the same. The subject matter of the lis is adjacent land to each property. In order to avoid conflict of interest and for speedy adjudication, it is just, proper and necessary that both the suits have to be tried together in V Additional District Judge of Coimbatore. In order to avoid the multiplicity of the proceeding of the suits in future, and to avoid conflict of interest arising out of judgments, it is necessary that the both the suits are ordered to be tried together by the learned V Additional District Judge of Coimbatore, failing which it will lead to miscarriage of justice, and waste of precious time of the

judiciary, hence it would be appropriate if all suits are tried together. Accordingly, the Petitioners herein have come forward with the application under Sec 24 of CPC, 1908 to transfer the suit in O.S.No.123/2020 pending before the learned District Munsif, Sullur to V Additional District Judge of Coimbatore to be tried along with pending suit in O.S.No.475/2020 on the file of V Additional District Judge, Coimbatore for joint trial and to dispose the suits on merits.

v. No harm, prejudice will be caused to the Respondents, if the suits are tried together and thus will save only the precious time of the Court. Unless the suit pending in O.S.No.123/2020 on the file of District Munsif, Coimbatore is ordered to be tried with the suit O.S.No.475/2020 which is now pending before the file of the V Additional District Judge, Coimbatore, all the parties to the lis will be put to great loss and much hardship.

**3. Averments contained in the counter statement filed by the 1<sup>st</sup> Respondent and adopted by the 2<sup>nd</sup> Respondent are as follows:**

i. The petition is false frivolous, vexatious and unsustainable in law and upon the facts of the case. The Respondents deny the entire allegations made in the affidavit except those that are specifically admitted and put the Petitioners to strict proof of each and every one of the same.

ii. The Respondents deny the entire allegations made in para Nos.1 to 3 of the petition. It is true that the Petitioner had filed a suit in O.S.No.123/2020 on the file of District Munsif, Suler against the Respondents and also that the Respondents 1 to 3 herein had filed a suit in O.S.No.475/2020 on the file of V Additional District Judge, Coimbatore against the Petitioners and 4<sup>th</sup> Respondent.

iii. The subject matter of both the suits are not same and cannot be tried together since the suit in O.S.No.123 of 2020 is suit for permanent injunction and other reliefs and suit in O.S.No.475 of 2020 is suit for partition, declaration and other reliefs. The suit in O.S.No.123 of 2020 riped for trial and suit in O.S.No.475 of 2020 issues are yet to be framed. The parties to both the suits are not one and same. The issues in both the suits are different and the nature of the suits are different.

iv. The petition is devoid of merits and the same is deserves to be dismissed with cost.

4. The learned government pleader for the Respondent No.5 has filed a memo stating that the petition may be allowed without prejudice to the Respondent No.5. Inspite of receipt of notice, the Respondent Nos.3 and 4 have not chosen to appear before this Court and they were called absent and set ex-parte on 21-01-2025 and 05-04-2025 respectively.

**5. The point for consideration :**

Whether the suit in O.S.No.123/2020 pending before the file of District Munsif, Sulur is to be transferred to the file of V Additional District Judge, Coimbatore to try along with the suit in O.S.No.475/2020 or not? is the point for consideration.

**Point :**

6. Heard and perused the relevant records. This petition is filed to transfer the suit in O.S.No.123/2020 pending before the file of District Munsif, Sulur to the file of V Additional District Judge, Coimbatore to try along with the suit in O.S.No.475/2020 pending thereon.

7. The learned counsel for the Petitioner has submitted that the 1<sup>st</sup> Petitioner has filed the suit in O.S.No.123/2020 on the file of District Munsif, Sulur against the Respondents herein and the Respondents 1 to 3 herein have filed the suit in O.S.No.475/2020 on the file of V Additional District Judge, Coimbatore against the Petitioners and the Respondent No.4 herein. The dispute involves property originally owned by late Periyathampi Gounder, grandfather to the Petitioners and the Respondents. Therefore, the Petitioners pray that their suit and the

Respondents' suit shall be tried together to avoid conflicts of interest and ensure speedy adjudication.

8. Whereas, the learned counsel for the Respondents 1 and 2 contended that, the dispute involving O.S.No.123/2020, which is for permanent injunction, and contrasts it with O.S.No.475/202, which relates to partition and declaration. The subject matter and parties of the two suits are different, and they should not be tried together and prays to dismiss the petition.

9. This Court has given its anxious consideration on the rival contentions of both the parties. On perusal of the copy of the plaint in O.S.No.123/2020 on the file of District Munsif, Sular, it shows that, the 1<sup>st</sup> Petitioner herein as Plaintiff alleges that, she is the daughter of the 4<sup>th</sup> Defendant and the 4<sup>th</sup> Defendant had parted his undivided right in the suit "A" schedule property in favour of his brother P.Natarajan who is the father of Defendants 1 and 2 and husband of the 3<sup>rd</sup> Defendant, hence the Plaintiff was constrained to file a suit in O.S.No.188/2005 and she has been allotted with her due share in the suit "A" schedule property vide decree and judgment passed in O.S.No.188/2005 on the file of District Munsif, Palladam. While so, the Defendants 1 to 3 have tried to encroach her share in the same. Hence she filed the suit for the relief of permanent injunction. On perusal

of the copy of the plaint in O.S.No.475/2020 on the file of V Additional District Judge, Coimbatore, it shows that, the Respondents 1 to 3 herein as Plaintiffs allege that, the suit properties are ancestral properties of Periathambi Gounder and he died leaving behind Late Natarajan and the 1<sup>st</sup> Defendant as his legal heirs and the said Natarajan died leaving behind the Plaintiffs as his legal heirs and thereafter the Plaintiffs and the 1<sup>st</sup> Defendant are in joint possession of the suit properties and while so the 1<sup>st</sup> Defendant executed settlement deed in favour of the 2<sup>nd</sup> Defendant in respect of the undivided common share and based on the same 2<sup>nd</sup> and 3<sup>rd</sup> Defendants executed settlement deed in favour of the 4<sup>th</sup> Defendant and the Defendants have refused for amicable partition, hence they filed the suit for partition.

**10.** The Petitioner herein claims that both the suits arise out of the same property, inherited from late Periathambi Gounder and thus needs to be heard together. The Respondents 1 and 2 objecting this petition stating that the nature of suits is differ. The 1<sup>st</sup> Petitioner's claim to an injunction is based on a previous decree in O.S.No.188/2005, while the 1<sup>st</sup> and 2<sup>nd</sup> Respondents' claim is based on ancestral joint ownership. To prevent multiplicity of proceedings, and to avoid the risk of passing conflicting decrees, this Court is inclined to allow the petition.

In the result, this petition is allowed. The suit in O.S.No.123/2020 pending on the file of the District Munsif, Sulur, is ordered to be withdrawn and transferred to the file of V Additional District Judge, Coimbatore to try along with the suit in O.S.No.253/2025 pending thereon, with liberty to the learned Trial Court to decide whether both the suits are to be tried jointly or simultaneously;

Dictated to the Steno-typist directly and typed by her in the computer, corrected and pronounced by me in the open court, this the 06<sup>th</sup> day of April 2026.

PRINCIPAL DISTRICT JUDGE,  
COIMBATORE

Copy to:

1. The I Additional District Judge, Coimbatore.
2. The Principal Subordinate Judge, Coimbatore.

Principal District Court,  
Coimbatore  
Tr.O.P.No.325/2024  
Dt : 06-04-2026  
Draft / Fair order