



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

**TR CMP No.1186 of 2025
& CMP.No.26799 of 2025**

S.P.Kamalam

..Petitioner(s)

Vs

1.P.Saravanan

2.Minor Anbuselvan

Represented by his father P.Saravanan

3.P.Senthilkumar

..Respondent(s)

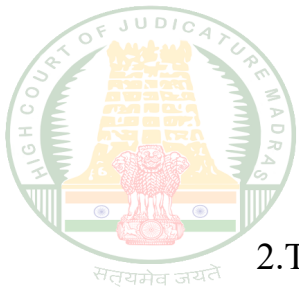
Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdraw Probate O.P.No.7 of 2025 from the file of the Principal District Judge, Perambalur and transfer the same to the file of the Principal District Judge, Coimbatore.

For Petitioner(s): Mr.A.Parthasarathy

For Respondent(s): Mr.M.Sidhardhan

ORDER

This transfer application has been filed to withdraw the proceedings in Probate OP.No.7 of 2025 from the file of the Principal District Judge, Perambalur and transfer the same to the file of the Principal District Judge, Coimbatore.



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2.The present petition seeks to transfer the probate proceedings in Probate O.P.No.7 of 2025, pending on the file of the Principal District Judge, Perambalur, to the file of the Principal District Judge, Coimbatore, to be tried along with O.S.No.1228 of 2025.

3.The learned counsel for the petitioner states that the properties, which are subject matter of the probate OP, are subject matter of the partition suit in O.S.No.1228 of 2025 and therefore, necessarily in order to avoid multiplicity of proceedings and also conflicting orders, it would be appropriate that both the proceedings are tried together. He would further state that more items of properties are situate in Coimbatore and that is the reason why the Principal District Court, Coimbatore has been chosen. He would further state that no serious prejudice would be caused to the respondents, if the probate OP is transferred to be tried along with the partition suit.

4.The learned counsel for the respondents would however oppose the transfer request, contending that the petitioner is a resident of Erode and there are properties situate in Erode as well and in such circumstances, only in order to harass the respondents, the partition suit has been filed before the District Court, Coimbatore.



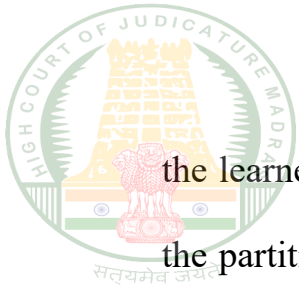
5.I have carefully considered the submissions advanced by the learned counsel on either side.

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6.Admittedly, the Principal District Court at Coimbatore, has territorial jurisdiction to try the suit for partition since three items of the immovable properties are situate within its jurisdiction. Thus, the petitioner cannot be faulted to have filed the suit for partition before the Principal District Court, Coimbatore. Admittedly, the decision in the probate OP will have a direct bearing on the declaration of shares of the parties in the suit for partition. In the light of the above, I am inclined to accede to the request for transfer.

7.This Transfer Civil Miscellaneous Petition is allowed and Probate O.P.No.7 of 2025 is hereby withdrawn from the file of the Principal District Judge, Perambalur and transferred to the file of the I Additional District Judge, Coimbatore (at the time of the filing of the revision, the partition suit had not yet been numbered and therefore, it has been mentioned in the prayer column that the transfer has to be made to the file of the Principal District Court, Coimbatore), to be jointly tried along with O.S.No.1228 of 2025.

8.The learned counsel for the respondents also brought to my notice that in both the proceedings, pleadings are complete and suitable directions may be issued for expeditious disposal of the said proceedings. In the light of the above,



the learned I Additional District Judge, Coimbatore, shall expedite joint trial in the partition suit, as well as the probate O.P and record evidence in the probate OP proceedings, considering that the decision with regard to truth and genuineness of the Will will have a direct impact on the result of the suit for partition. The learned I Additional District Judge, Coimbatore, shall endeavour to dispose of the suit on or before 30.04.2027. No costs. Connected Civil Miscellaneous Petition is closed.

17.07.2026

ATA

To

- 1.The Principal District Court, Perambalur.
- 2.The I Additional District Judge, Coimbatore.



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P.B.BALAJI, J.

ATA

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