



Tr.CMP.No.1069 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.1069 of 2023

and

C.M.P.Nos.25606 of 2023 & 2438 of 2024

K.V.Danesh

.. Petitioner

Vs.

1.K.C.Gopika Varma

2.Tharam Herbal Products,
Represented by Working Partner,
M.Mohan

3.K.S.Kailaswari

4.G.Kaaruniya

5.M.Mohan (individual capacity)

6.K.Raja

7.D.Marimuthu

8.T.Karthick



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9.K.Kanagaraj

.. Respondents

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in O.S.No.786 of 2022 from the file of the Principal District Court at Erode and to transfer the same to the District Court at Karur so that to conduct the joint trial of O.S.No.786 of 2022 and C.O.S.No.4 of 2022.

For Petitioner : Mr.P.Sesubalan Raja

For R1 : Mr.R.Parthasarathy
Senior Counsel for M/s.S.Rekha

ORDER

This Transfer Civil Miscellaneous Petition seeks clubbing together of C.O.S.No.4 of 2022 pending on the file of the learned District Judge at Karur with a suit in O.S.No.786 of 2022 pending on the file of the learned District Judge at Erode.

2. C.O.S.No.4 of 2022, is a suit based on intellectual property rights. O.S.No.786 of 2022, is a suit relating to immovable property. The only commonality in facts is that both the suits relate to one N.Jeyakichenin, who was also called as “Jai Guruji”.

3. During his lifetime, he had written several works on KRIYA



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YOGA. The plaintiff, in both the suits, claims to be the wife of N.Jeyakichenin. There are only two defendants in common in both the suits.

4. In the first suit, K.C.Gopika Varma claims that on the death of Jai Guruji, she succeeds to his estate, and since the defendants are publishing the works of Jai Guruji without her consent, she has sought for the relief of permanent injunction restraining them from infringing the copyright of Jai Guruji.

5. Insofar as the second suit is concerned, she pleads that as the wife of Jai Guruji, she had permitted the defendants to intern his mortal coils in the property belonging to the 1st defendant. The 1st defendant, thereafter, started putting up a construction in the said site, which if proved, might amount to insulting the Samathi of an enlightened soul.

6. It is the case of Mr.P.Sesubalan Raja that in both the suits, his defence is that Jai Guruji being an enlightened soul is a Sanyasi and therefore, does not leave behind any estate to be succeeded by his legal representatives. Perhaps, this is a plausible defence in the first suit. It would



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still fall on the defendants to prove that the deceased N.Jeyakichenin had embraced Sanyasam and had attained a civil death. See, ***Avasarala Kondol Row and Another vs. Iswara Sanyasi Swamulavaru and Others [AIR 1918 Mad 402(DB)]***.

7. Insofar as the 2nd suit is concerned, the allegation is that the Samathi of N.Jeyakichenin had been insulted by the construction of a septic tank adjacent to his Samathi. To maintain a suit with respect to the insult of the Samathi, one need not be the legal heir. Any follower or worshiper can maintain such a suit.

8. The fact that the written statements are one and the same does not mean a transfer petition should be permitted. As already pointed out, one relates to a intellectual property and other relates to a immovable property. One relates to works during his lifetime and other relates to acts of alleged maleficence after his death over his Samathi.

9. Therefore, I do not find any issues in common in both the suits. Accordingly, the Transfer Civil Miscellaneous Petition is dismissed. No



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costs. Consequently, the connected Civil Miscellaneous Petitions are closed.

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation: Yes/No

V. LAKSHMINARAYANAN, J.



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To

1.The Principal District Court,
Erode

2.The District Court,
Karur

Tr.CMP.No.1069 of 2023
and
C.M.P.Nos.25606 of 2023 & 2438 of 2024

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