



Tr.C.M.P.No.694 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-08-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

Tr.C.M.P.No.694 of 2025 and CMP No.16391 of 2025

1.K.Oyyannan Moopar
2.Smt.Ponnu Pillai @ Karuppayammal
3.Smt.Rasathi @ Rajathi
4.O.Murugesan
5.C.Shanthi
6.Marimuthu
7.K.O.Selvam
8.K.O.Thirupathi
9.Jayanthi

... Petitioners

Vs

M.Pandiyammal

... Respondent

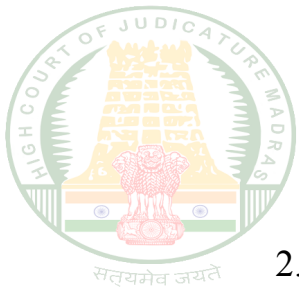
Petition filed under Section 24 of Civil Procedure Code to withdraw the suit in O.S.No.1115 of 2022 pending on the file of I Additional District Court, Coimbatore and transfer the same to District Court at Madurai.

For Petitioners : Mr.R.Veeramani

For Respondent : Mr.C.Deepak Kumar

ORDER

Heard the learned counsel for the parties.



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2. The suit in O.S.No.1115 of 2022 has been filed by the respondent herein for partition and separate possession. There are as many as 29 items of suit properties and out of them, 28 are admittedly situate within the territorial jurisdiction of Madurai Courts. However, by adding one property and admittedly, even according to the plaintiff, the sale deed in respect of the said item of the property stands in the name of the daughter-in-law, who has been arrayed as ninth defendant, the suit has been filed before the District Court, Coimbatore.

3. On going through the plaint, I find that even the plaintiff claims to be a resident of West Street, Uthappuram (PO), Peraiyur Taluk, Madurai District and gives a temporary address as Door No.11/14, West Third Street, Varadharajapuram Medu, Uppilipalayam (PO), Coimbatore.

4. Learned counsel for the respondents states that for the convenience of the parties to the *lis*, the proceedings cannot be transferred when admittedly, the suit for partition is maintainable before the District Court, Coimbatore and in view of the fact that one item of the suit property is being situated within the territorial jurisdiction of District Court, Coimbatore.



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5. I find that all the parties are residents of Madurai and even the plaintiff has furnished a Madurai address as permanent address in the plaint as well. With regard to the sale deed in favour of the daughter-in-law, the averment in the plaint is that the property has been purchased in the name of the daughter-in-law from and out of joint family income. The assertion also in the plaint appears to be not clear and definite and the plaintiff only states that it seems that on 16.09.2022 item No.9 of the property had been purchased by the defendants 1 and 2 in the name of the 9th defendant and the ninth defendant has no means to purchase the property. I find that there is also no relief sought for challenging the sale deed dated 16.09.2020.

6. Considering that all the parties to the suit are the residents of Madurai and out of 29 items, 28 items of properties are admittedly situate within the territorial jurisdiction of Madurai, I am inclined to allow the petition.



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7. Accordingly, Tr.C.M.P.No.694 of 2025 is allowed and O.S.No.1115 of 2022 pending on the file of I Additional District Court, Coimbatore is withdrawn and the same is transferred to Principal District Court, Madurai.

8. The I Additional District Court, Coimbatore is directed to send the entire records relating to O.S.No.1115 of 2022 to the Principal District Court, Madurai forthwith.

No costs. Consequently, connected miscellaneous petition is closed.

26.08.2025

Index: Yes/No

Website:yes/no

Speaking Order/Non-speaking Order

sr

To

1. The I Additional District Court. Coimbatore
2. The Principal District Court, Madurai

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