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TR.CMP. No.942 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

CORAM

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

**TR.CMP No.942 of 2025
and CMP. No.21345 of 2025**

K.Geetha

..Petitioner(s)

Vs

R.J.Ramesh

..Respondent(s)

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw the suit in O.S. No.483 of 2016 from the file of the Principal District Munsif Court, Salem and transfer the same to the file of the II Additional District Court, Salem.

For Petitioner(s): Mr.K.Selvaraj

For Respondent(s): Mr.V.R.Annagandhi

ORDER

Heard Mr.K.Selvaraj, learned counsel for the petitioner and Mr.V.R.Annagandhi, learned counsel for the respondent.

2. Mr.K.Selvaraj, learned counsel for the petitioner states that there are two suits pending, one suit has been filed by her brother in O.S. No.483 of 2016, pending before the Principal District Munsif Court, Salem seeking a decree of declaration of the cancellation of the settlement deed executed by her



sister, the petitioner herein is null and void and not binding on the brother, the respondent herein.

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3. Admittedly, the petitioner has filed a suit parallelly seeking partition and separate possession in O.S. No.4 of 2017, pending before the II Additional District Court, Salem. The petitioner already attempted to have both the suits tried together and filed Tr.OP. No.249 of 2019, and learned Principal District Court, Salem, dismissed the Tr.OP. Aggrieved by the same, the petitioner moved before this Court in CRP. No.4092 of 2022, and this Court by order dated 03.01.2023, dismissed the Civil Revision Petition. Subsequently, the petitioner again approached this Court in CRP. No.1774 of 2023, aggrieved by refusal of the Trial Court to grant permission to file additional written statement in I.A. No.6 of 2026, filed by the petitioner as defendant in O.S. No.483 of 2016 on the file the Principal District Munsif Court, Salem. The said CRP came to be disposed by this Court on 14.02.2025, and the Trial Court was directed to dispose of O.S. No.483 of 2016, within a period of six months. Admittedly, the suit is still pending and today, the petitioner stating that the parties are same and the properties involved are also the same, seeks for atleast simultaneous trial of both the suit before the Principal District Munsif Court at Salem.

4. The learned counsel for the respondent however states that having failed in several attempts for transfer of the proceedings seeking joint trial and



also when disposing of CRP. No.1774 of 2023, this Court has given a specific direction to dispose of O.S.No.483 of 2016, expeditiously, the learned counsel for the respondent states that the present Tr.CMP is not maintainable and without any merit.

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

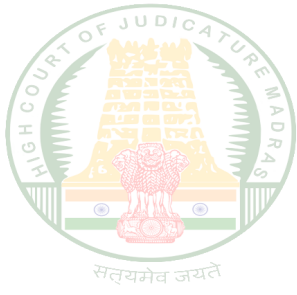
6. Admittedly, the petitioner and the respondent are sister and brother respectively. The petitioner has filed a suit for partition which is pending in O.S. No.4 of 2017 on the file of II Additional District Court, Salem. One of the suit properties which is subject matter of the partition suit, is the subject matter of O.S. No.483 of 2016 in respect of which settlement deed came to be executed by the petitioner in favour of her brother. However, the same has been cancelled and challenging the said cancellation, O.S. No.483 of 2016 has been filed.

7. In view of the above, it is needless to state that any decree that is passed in O.S. No.483 of 2016, shall have a direct effect on the partition suit in O.S. No.4 of 2017. This Court having already dismissed and rejected the request for transfer of both the suits to be tried together and also giving specific directions in O.S. No.483 of 2016 to be disposed of within a period of six



months as early as February, 2025, I am unable to see any merit in the present request for transfer of O.S. No.483 of 2016, which is admittedly in a part heard stage. However as indicated above, it is made clear that any decision in O.S. No.483 of 2016, shall be binding on the parties in O.S. No.4 of 2017. Hence, suit for partition in O.S. No. 4 of 2017, shall be decided subject to the decree in O.S. No.483 of 2016.

8. Considering the fact already this Court has directed O.S. No.483 of 2026, to be disposed of within a period of six months, way back in February 2025, I am inclined to issue a fresh direction to direct the learned Principal District Munsif, Salem to dispose of O.S. No.483 of 2016, finally on or before, 31.08.2026, and subject to the petitioner succeeding in the suit, a right for partition will accrue. Mr.V.R.Annagandhi, the learned counsel for the respondent states that O.S. No.4 of 2017 is in a part heard stage and a direction may be given for speedy disposal. As already discussed herein above, the decision in O.S. No.483 of 2016, will have an impact on O.S. No.4 of 2017 and this Court having already given a direction to dispose of O.S. No.483 of 2016, on or before 31.08.2026, a further direction is given, subject to the result of O.S. No.483 of 2016, O.S. No.4 of 2017, shall also be disposed of expeditiously as early as possible, i.e., on or before, 31.03.2027.



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9. With the above direction, this Transfer Miscellaneous Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

13-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RKP

To

1. The Principal District Munsif, Salem.
2. The II Additional District Judge, Salem.



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P.B.BALAJI.J.,

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