



Tr.C.M.P(MD).No.332 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 20.07.2026

PRONOUNCED ON : 07.08.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.332 of 2026

and

C.M.P(MD)No.8641 of 2026

Sagayam

: Petitioner / Defendant

Vs.

1.P.B.Suresh Palraj

2.Carolin

: Respondents/Respondents/
Plaintiffs 1 and 2

3.The Commissioner,
Kodaikanal Municipality,
Kodaikanal – 624 101

: Respondent/Respondent/2nd Defendant

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw O.S.No.134 of 2014, from the file of the District Munsif Court, Kodaikanal and transfer the same to the file of the District Munsif Court, Dindigul (Combined Court), or to any other competent Court within Dindigul District.



WEB COPY



Tr.C.M.P(MD).No.332 of 2026

For Petitioner : Mr.S.Ravichandran

For Respondents : Mr.Z.Sam Jegan
for R.1 and R.2

: No Appearance for R.3

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the suit in O.S.No.134 of 2014, from the file of the District Munsif Court, Kodaikanal and transfer the same to the file of the District Munsif Court, Dindigul (Combined Court), or to any other competent Court within Dindigul District.

2. Heard the learned Counsel for the petitioner and the learned Counsel for the respondents 1 and 2 and perused the materials available on record.

3. It is not in dispute that the respondents 1 and 2 filed a suit in O.S.No. 134 of 2014 seeking permanent injunction restraining the second respondent/second defendant from cancelling the plan approval and house tax assessment of the suit property unlawfully on the political hands of the petitioner/first defendant and the same is pending on the file of the District



Tr.C.M.P(MD).No.332 of 2026

Munsif cum Judicial Magistrate No.I, Kodaikanal. When the suit is in part heard stage, the first defendant filed the present Transfer Civil Miscellaneous Petition seeking transfer of the suit from the file of the District Munsif cum Judicial Magistrate No.I to any other competent Court within Dindigul District.

4. The main complaint of the petitioner is that the conduct of the learned Judicial Officer during the course of trial gave rise to a reasonable apprehension that he may not get a fair and impartial adjudication and therefore, the suit is to be transferred to another Court. But the respondents' side on the other hand would contend that the transfer petition has been filed only to protract the proceedings which has been pending for more than a decade and that the petitioner has not made out any legally sustainable ground for transfer.

5. Considering the nature of the allegations levelled against the Judicial Officer, this Court directed the Registry to get remarks from the concerned Judicial Officer and in pursuance of the same, the learned District Munsif cum Judicial Magistrate, submitted his remarks through the learned Principal District Judge, Dindigul, wherein the learned Judicial Officer submitted a



Tr.C.M.P(MD).No.332 of 2026

detailed explanation narrating the sequences of events that transpired during the trial.

6. A cursory perusal of the remarks would disclose that the suit is of the year 2014, that even after the petitioner failed to adduce the evidence on earlier occasions, the applications filed by him for re-opening was entertained and the orders were passed granting further opportunities, that despite such orders in his favour, the petitioner did not avail the opportunities granted and that thereafter, the defendants' evidence with no other option came to be closed. In the remarks, the learned Judicial Officer has stated that the petitioner, by citing CNR No., represented that the suit was stayed by this Court and hence, the Court was constrained to inform him that CNR No., is mere filing number and unless the written acknowledgment of any sort namely Order, Memorandum or Affidavit is filed confirming that stay is granted by the High Court, the proceedings in O.S.No.134 of 2014 cannot be stopped.

7. It is pertinent to note that this Court ,when the transfer petition was taken up for admission, has not chosen to grant any interim stay. It is evident that the petitioner's application in I.A.No.1 of 2025 to reopen the defendant's side evidence, which was already closed, despite the objections of the



Tr.C.M.P(MD).No.332 of 2026

plaintiff's side and to afford an opportunity to the defendants to adduce their evidence, allowed the petition by imposing two conditions viz., that the petitioner has to pay costs of Rs.2,500/- to the respondent and the petitioner has to appear and adduce evidence on that day itself. It is further evident that though costs has been paid, the second condition has not been complied with, the defendant's evidence was again closed and when the case was posted for judgment, the petitioner filed another petition in I.A.No.2 of 2026 seeking to restore the petition in I.A.No.1 of 2025 and the trial Court has allowed that petition also and when the case was posted for defendant's evidence on 17.06.2026, the petitioner has not chosen to adduce any evidence, but instead represented that stay was granted by this Court and consequently the defendant's side evidence was closed.

8. On a careful consideration of the averments made in the affidavit filed in support of the transfer petition, remarks submitted by the learned Judicial Officer and the objections raised by the respondent's/plaintiff's side, this Court is unable to find any material to substantiate the allegations of bias or prejudice levelled against the learned Judicial Officer. It is pertinent to mention that the allegations raised by the petitioner are founded mainly on the manner in which the Judicial Officer exercised his judicial discretion in



Tr.C.M.P(MD).No.332 of 2026

conducting the trial of the suit. It is settled law that mere dissatisfaction with judicial orders or the procedural direction, by themselves cannot constitute a valid ground for transfer, unless the record discloses circumstances giving rise to a reasonable and bonafide apprehension that justice may not be done.

9. In the case on hand, chronology of events evident from the records and the remarks submitted by the learned Judicial Officer reveals that many opportunities were afforded to the petitioner to adduce his side evidence, but the same was not utilised by him. When a specific condition was imposed in I.A.No.1 of 2025 that he has to appear and adduce evidence on a particular date, complying with the payment of costs alone was not sufficient to record proper compliance of the directions issued. Even thereafter, when the petition to restore the petition in I.A.No.1 of 2025 was filed in I.A.No.2 of 2026, that was also allowed and further opportunity was afforded to adduce his evidence and the same was also not utilised.

10. On perusing the remarks of the learned Judicial Officer, the explanation offered satisfactorily answers the allegations levelled by the petitioner and this Court does not find any iota of material to infer that the learned Judicial Officer acted with bias, prejudice or in pre-determined mind



Tr.C.M.P(MD).No.332 of 2026

against the petitioner. But on the other hand, the records would reveal that the learned Judicial Officer has given sufficient opportunities and attempted to strike the balance between the petitioner's right to adduce evidence and the obligation to ensure expeditious disposal of more than 10 years old suit.

11. It is well settled that the power to transfer a case is to be exercised sparingly and only when there exists a reasonable apprehension, founded on cogent and acceptable material, that a party to the lis may not receive a fair and impartial trial before the concerned Court. Such apprehension cannot rest on conjectures or surmises, or merely on account of dissatisfaction with judicial orders passed by the Court. Having regard to the entire facts and circumstances of the case, this Court has no hesitation in holding that the petitioner has failed to make out any valid or sufficient ground for transfer of the suit. Consequently, this Court concludes that the Transfer Petition is liable to be dismissed.

12. Before parting with the case, this Court deems it appropriate to observe that the petitioner/defendant has admittedly not adduced any evidence thus far. If the petitioner files any application for reopening the evidence and for permitting him to adduce his evidence, the learned trial Judge shall



Tr.C.M.P(MD).No.332 of 2026

consider the same favourably, subject to appropriate terms, if any. The learned trial Judge shall thereafter proceed with the trial and dispose of the suit as expeditiously as possible and, in any event, within a period of six weeks from the date of receipt of a copy of this order. If such an opportunity is granted, the petitioner shall complete his evidence within a period of two weeks from the date of the order allowing such application and shall not be entitled to seek any further adjournment.

13. With the above directions, the Transfer Civil Miscellaneous Petition is dismissed. Consequently, the connected Civil Miscellaneous Petition is also dismissed.

07.08.2026

NCC : Yes/No
Index : Yes/No
Internet : Yes/No

SSL

To

- 1.The District Munsif Court, Kodaikanal.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

8/9



WEB COPY



Tr.C.M.P(MD).No.332 of 2026

K.MURALI SHANKAR, J.

SSL

Pre-Delivery Order made in
Tr.C.M.P (MD).No.332 of 2026
and
C.M.P(MD)No.8641 of 2026

07.08.2026