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Tr.C.M.P.No.231 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2025

CORAM:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P. No.231 of 2025

and

C.M.P.No.4490 of 2025

1.V.Pallavan

2.V.Vimalanathan

3.V.Gopinathan

... Petitioners

Vs

1.Mr.Jaganathan

2.Mr.Baskaran

3.Mrs.Vasanthi

4.Mrs.Kanchana

5.Mrs.J.Vanitha

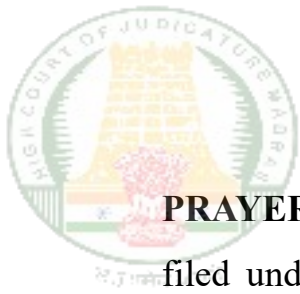
6.Mrs.Sathiyabama

7.Ms.Sinega

8.Mr.S.Sanjay

...

Respondents



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PRAYER in Tr.C.M.P.No.231 of 2025: : Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the case in O.S.No.272 of 2024 which is pending on the file of the Principal District Munsif, Poonamallee and transfer the same to the file of the Additional District Judge-II, Poonamallee and try along with the Suit in O.S.No.568 of 2024 and pass such further or other orders and thereby render justice.

PRAYER in C.M.P.No.4490 of 2025: Civil Miscellaneous Petition filed under Section 151 of Code of Civil Procedure to stay of all further proceedings in O.S.No.272 of 2024 on the file of the Principal District Munsif, Poonamalle.

For Petitioner : Mr.S.Sabarish, Advocate.

For respondents : Mr.J.Pothiraj for R1, R2 & R5.

R3, R4, R6 to R8 – served – no appearance.

ORDER

Heard.

2. This petition is filed under Section 24 CPC seeks withdrawal of O.S. No. 272 of 2024 from the file of the Principal District Munsif, Poonamallee and transfer to the file of the Additional District Judge-II, Poonamallee to be tried along with O.S. No. 568 of 2024.



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3. The petitioners submit that the parties are the same and properties overlap in both suits.

4. It is stated that the O.S. No. 272 of 2024 which is a suit for permanent injunction filed by the 2nd respondent herein, stood at *ex parte evidence* stage before the learned Additional District Munsif, Poonamallee. The petitioners therein as defendants, state they were set *ex parte* and have moved applications to set it aside the *ex parte* order passed against them. The O.S. No. 568 of 2024 is a suit filed by the petitioners herein, for partition/declaration/permanent injunction/damages pending before the Additional District & Sessions Court-II, Poonamallee.

5. Both the courts between which transfer is sought are within the same District Judiciary. Under Section 24(1)(a) CPC, the Principal District Judge is competent to consider transfers between courts subordinate to that District Court. No special or exceptional ground has been shown for invoking the High Court's jurisdiction at the first instance when an efficacious, co-ordinate statutory remedy before the Principal District Judge is available. On this short ground, the petition is not entertained. All contentions on merits are left open.



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6. Accordingly, TR.C.M.P. No. 231 of 2025 is dismissed with liberty to the petitioners to move the Principal District Judge, in accordance with law. The interim order granted by this Court on 26.02.2025 shall stand vacated. C.M.P. No. 4490 of 2025 is dismissed. No costs.

08.12.2025

mfa/ay

Index : Yes/No

NCC : Yes/No

Speaking Order / Non-Speaking Order

To

1.The Principal District Munsif,
Poonamallee.

2.The Additional District Judge II,
Poonamallee.



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DR. A.D. MARIA CLETE, J

mfa/ay

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