



Tr.C.M.P.No.522 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2025

CORAM :

**THE HONOURABLE MR. JUSTICE P.B. BALAJI**

Tr.C.M.P.No.522 of 2025

and

C.M.P.No.12970 of 2025

K. Shanmugam

... Petitioner

Versus

1.J. Jayapraba

2.R. Saraswathi

3.R. Anusuya

4.K. Karunakaran

5.K. Sivakandan

6.G. Kaliyaperumal

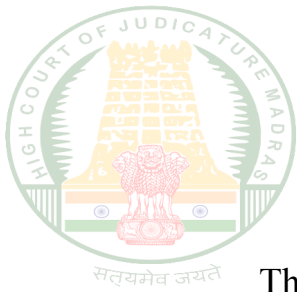
... Respondents

**Prayer:** Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure, to withdraw the O.S. No.16 of 2018 pending on the file of the III-Additional District Court, Kallakurichi and transfer to the Cuddalore District Court, Cuddalore.

For Petitioner : Mr. D. Balachandran

For Respondent : Mr. S. Mohan (for R4)  
Not ready notice by R1 to  
R3 and R5 & R6

**ORDER**



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This Transfer Civil Miscellaneous Petition has been filed at the instance of the petitioner/the first defendant.

2. The respondents 1 to 3 /plaintiffs 1 to 3 and the respondents 5 and 6/defendants 3 and 4, are not present, despite service of notice. However, the learned counsel for the fourth respondent/second defendant, who is the contesting defendant in the suit, is present.

3. The learned counsel for the petitioner submits that the suit is posted for cross-examination of D.W.1. Due to the interim stay granted by this Court on 11.06.2025, the proceedings are pending before the Trial Court. He further submitted that the cross-examination of D.W.1 will be completed within a day or two.

4. The learned counsel also brought to my attention, on an earlier occasion, in the year 2019, a Transfer Civil Miscellaneous Petition was filed in Tr.CMP.No.533 of 2019, which was dismissed on 28.08.2019, finding that it was not a fit case for transfer. He also brought to my notice that the plaintiffs 1 to 3/the respondents 1 to 3 herein, thereafter filed a Transfer Original Petition in Tr.O.P.No.203 of 2019 seeking transfer of the suit in O.S.No.16 of 2018

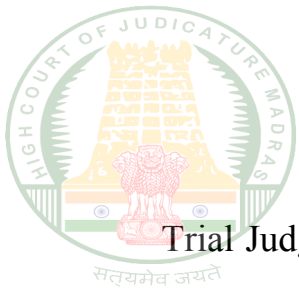


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pending on the file of the III-Additional District Court, Kallakurichi to the file of the Principal District Court, Villupuram. The said transfer original petition was also dismissed on 28.04.2022 on the ground that the petitioners had not stated any sound reason for allowing the petition.

5. It is seen that thereafter all the plaintiffs got into the witness box, and their side of witness' examination has also been completed on 06.11.2023 itself. The case is now pending only for examination on the side of the defendants' witnesses. In view of the same, this Court is not inclined to transfer the case. However, considering the inconvenience expressed by the learned counsel for the petitioner, for the petitioner travelling a long distance for all hearings, he seek a direction to be issued to the III-Additional District Court, Kallakurichi to complete the cross-examination of D.W.1 as well as to complete the trial within a time frame fixed by this Court.

6. Considering the cross-examination of D.W.1 by the plaintiffs as well as the other defendants, if they opt to do so, and also considering the submission of the learned counsel for the petitioner that the case is now posted on 28.07.2025, this Court is of the opinion that D.W.1 shall be present on 28.07.2025 before the III-Additional District Court, Kallakurichi. The learned



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Trial Judge shall fix two hearing dates subject to the convenience of the parties as well as their respective counsel, for cross-examination of D.W.1. On the fixed dates, the cross-examination of D.W.1 shall be completed.

7. Further, considering the submission made by the learned counsel for the petitioner that the suit is one of for partition, which has been pending from the year 2016, it would be appropriate to direct the Trial Court, to complete the cross-examination of D.W.1 as expeditiously as possible and thereafter finally dispose off the suit within two months in accordance with law.

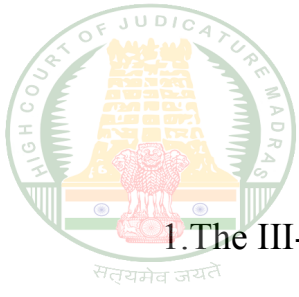
8. With the above observations and directions, this Transfer Civil Miscellaneous Petition is disposed of. Consequently, the connected Civil Miscellaneous Petition is also closed. No costs.

**07.07.2025**

Index : Yes / No  
Speaking order / Non-speaking order  
Neutral Citation Case : Yes / No

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To



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1. The III-Additional District Court, Kallakurichi.

2. The Cuddalore District Court, Cuddalore.



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**P.B. BALAJI, J.**

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