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Tr.CMP.No.591 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B. BALAJI

Tr.CMP.No.591 of 2025

and

CMP.No.14498 of 2025

1. Chitra Balakrishnan
2. Arthi @ Vaishnavi Balakrishnan ...Petitioners

Vs.

1. V.Chandrasekar
2. V.Radhakrishnan
3. V.Rangarajan ...Respondents

Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure to withdraw O.S.No.5499 of 2019 pending on the file of III Additional City Civil Court, Chennai and transfer the same to IV Additional City Civil Court, Chennai.

For Petitioners : Mr.B.Ravi

For Respondents : Mr.K.V.Anantha Krishnan, for R1
Mr.N.Suresh, for R2
Mr.S.Elambharathi, for R3



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ORDER

WEB COPY Heard the learned counsel for the petitioners and the learned counsel for the respective respondents.

2. The petitioners seek transfer of O.S.No.5499 of 2019 pending on the file of the III Additional City Civil Court, Chennai to the file of the IV Additional City Civil Court, Chennai.

3. Learned counsel for the petitioners states that the learned III Additional Judge, City Civil Court, Chennai who has recorded the evidence and had also substantially heard the arguments would be better placed to decide the dispute between the parties and now that in view of the administrative transfer, the learned III Additional Judge, City Civil Court, Chennai is posted as the learned IV Additional Judge, City Civil Court, Chennai, the petitioners seek transfer of the suit in O.S.No.5499 of 2019 to the file of the IV Additional City Civil Court, Chennai.

4. Mr.K.V.Anantha Krishnan, the learned counsel for the 1st respondent states that the 1st respondent is willing to abide by any orders



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of this Court. However, he would only seek for a direction that the parties shall not be permitted to lead any additional or further evidence, since the suit is posted only for arguments.

5. Learned counsel for the 2nd respondent would submit that the averments set out in the affidavit seeking transfer are factually incorrect. The learned III Additional Judge, City Civil Court, Chennai did not try the suit and evidence was recorded originally before this Court and even after transfer, the evidence was recorded only before the Adhoc Court.

6. Taking me through the adjudication in the e-Courts website, the learned counsel for the 2nd respondent further submits that only plaintiffs and the 1st defendant had advanced arguments and at the stage of the arguments of the 2nd defendant, an application came to be filed and subsequently additional issues, eight in number, have been framed on 18.03.2025 and also an interlocutory application in I.A.No.9 of 2025 for eschewing a document is also pending.



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7. Learned counsel appearing for the 3rd respondent also opposes the request for transfer and submits that the suit may be heard by the present learned III Additional Judge, City Civil Court, Chennai and there is no necessity for transfer.

8. I have carefully considered the arguments advanced by the learned counsel on either side and I have also gone through the affidavit filed in support of this transfer petition including the counter affidavit filed by the 2nd respondent.

9. As rightly contended by Mr.N.Suresh, learned counsel for the 2nd respondent, it is seen that the suit was posted for arguments on 06.06.2024 before the then learned III Additional Judge, City Civil Court, who is now presently the learned IV Additional Judge, City Civil Court, Chennai and the said learned III Additional Judge (now occupying the IV Additional Judge's seat), did not try the suit and the evidence was not recorded by the then learned III Additional Judge and it was only before this Court before transfer and subsequently before the Adhoc Court in the City Civil Court.



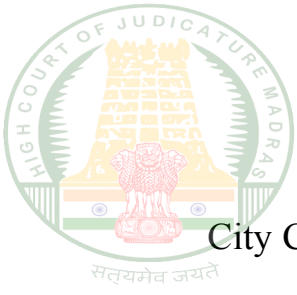
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10. At the stage of arguments of the 2nd respondent, an issue was raised by the 2nd defendant with regard to eschewing a document and in that connection, an interlocutory application has also been filed. Subsequently, additional issues, eight in number have also been framed on 18.03.2025 and thereafter the suit has been adjourned for the arguments of the 2nd defendant.

11. In fact, I find that on 04.06.2025, the suit has been reopened for plaintiffs side arguments and the matter was adjourned to 11.06.2025. Therefore, it is clear that in view of the subsequent events and also pending IAs, it is not necessary for the learned IV Additional Judge, City Civil Court, Chennai to hear the matter, since the plaintiffs have to commence the arguments afresh, since their arguments have been reopened on 04.06.2025 and there are also IAs pending, which have to be decided.

12. Further, when the evidence has not been recorded by the learned IV Additional Judge, City Civil Court, Chennai, there is no necessity for the suit to be transferred to the learned IV Additional Judge,



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City Civil Court, Chennai, as the Presiding officer who is going to decide the suit is only going to go by the evidence recorded by this Court as well as the Adhoc Court.

13. Therefore, the question of assessing the oral evidence and giving any weightage to the same does not arise in the present case.

14. In view of the above, I do not see any merit in the request of the petitioners to transfer the suit from the file of the III Additional City Civil Court, Chennai to the file of the IV Additional City Civil Court, Chennai.

15. However, the trial Court is directed to dispose of the pending IAs, within a period of eight weeks from the date of receipt of a copy of this order and thereafter, hear the arguments of all the parties and dispose of the main suit in O.S.No.5499 of 2019 within a period of three months.



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16. For the reasons aforesaid, this Transfer Civil Miscellaneous

Petition stands dismissed with the above directions. There shall be no order as to costs. Consequently, the connected Civil Miscellaneous Petition is closed.

30.07.2025

skt

Index	: Yes / No
Speaking order	: Yes / No
NCC	: Yes / No

To

- 1.The III Additional City Civil Court,
Chennai.
- 2.The IV Additional City Civil Court,
Chennai.



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P.B.BALAJI, J.

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