



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 22.08.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

Tr.C.M.P.No.735 of 2025

& CMP.No.17096 of 2025

G.Guravaiah

... Petitioner

vs.

1.K.Subbarao

2.K.Pushparaj

3.Mattiah

4.M.Vijayakumari

... Respondents

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure, to withdraw and transfer the petition filed by the first and second respondents in O.S.No.3385 of 2022 pending on the file of the learned VI Additional Judge, City Civil Court, Chennai to the learned Principal District and Sessions Judge, Thiruvallur.

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondent : Mr.Ravi Paul
for M/s.Paul & Paul
for RR1 and R2
Mr.R.Janartharan for R3
Mr.K.Wilson for R4



ORDER

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Heard Mr.P.Muthamizhselvakumar, learned counsel appearing for the petitioner, Mr.Ravi Paul, learned Senior Counsel appearing for the respondents 1 and 2, Mr.R.Janarthanan, learned counsel appearing for the third respondent and Mr.K.Wilson, learned counsel appearing for the fourth respondent.

2. The suit has been filed for partition and separate possession. The first defendant has now sought for transfer of the said suit which was originally filed before the learned VI Additional Judge, City Civil Court, Chennai, to the file of the Principal District and Sessions Court, Thiruvallur.

3. The grounds for transfer as sought for by the revision petitioner are that the petitioner/first defendant is a physically challenged person and he is not in a position to travel from Tirupathi, where he resides to attend the proceedings before the City Civil Court, Chennai. One another ground that has been set out for transfer is that the petitioner was constrained to lodge a complaint against one of the counsels who has appeared in the suit.



Therefore, there may be threats to his life and security, if he is forced to attend the proceedings before the City Civil Court, Chennai.

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4. Per contra, Mr.Ravi Paul, the learned Senior Counsel appearing for the first and second respondents/plaintiffs would submit that even according to the revision petitioner, he resides only within the jurisdiction of this Court, and even in the cause title of the transfer C.M.P, the local address is mentioned voluntarily by the petitioner himself. Therefore, no serious prejudice would be caused to the revision petitioner, if the suit is continued to be tried before the VI Additional City Civil Court, Chennai.

5. The learned counsel appearing for the revision petitioner has objected to the City Civil Court trying to mediate and bring out an amicable settlement between the parties. The learned Judge has directed the revision petitioner's counsel to approach the Principal District Court seeking transfer and only thereafter, the suit was transferred to the VI Additional City Civil Court, Chennai, where it is now pending. Admittedly, except the first defendant/revision petitioner, all the other parties are residing within the jurisdiction of the Court. In fact, as rightly contended by the learned Senior



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Counsel, Mr.Ravi Paul, the petitioner himself has given his permanent address as Venkatachalam Street, Puraswaikam, Chennai and has only stated that he presently resides at Tirupathi and therefore, he cannot complain about inconvenience and serious prejudice if the suit is tried by the Competent Court having territorial jurisdiction to try the suit for partition.

6. At the same time, considering the inconvenience expressed by the revision petitioner, while the transfer Civil Miscellaneous Petition is dismissed, a direction is issued to the learned VI Additional City Civil Judge, Chennai, to ensure that when the suit reaches the stage of examination of the revision petitioner/first defendant, the Court shall call upon the first defendant to file his proof affidavit in advance and serve a copy of the same on the learned counsel appearing for the plaintiffs, and fix a date for the appearance of the first defendant for recording the proof affidavit and any documents that have been filed on behalf of the first defendant and on the same day, the plaintiff's counsel shall complete the cross-examination of D.W.1. The learned VI Additional Judge, City Civil Court, Chennai, shall ensure that the learned counsel appearing for the



plaintiffs shall be given sufficient time to complete the cross-examination.

In the unlikely event of not being able to complete the cross-examination on the same day, the trial Court shall, in its discretion, grant maximum two more hearings, after ascertaining the convenience of the petitioner and the dates can be fixed. The trial Court shall endeavor to dispose of the suit on or before 31.01.2026. There shall be no order as to costs. Connected miscellaneous petition is closed.

22.08.2025

ssb

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

To

The learned VI Additional Judge,
City Civil Court, Chennai.



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P.B. BALAJI,J.

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