



WEB COPY

Tr.CMP No.259



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-01-2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

TR CMP No. 259 of 2025

and

CMP No. 5026 of 2025

Vijaya

...Petitioner(s)

Vs

Thaniarasu

...Respondent(s)

Prayer in Tr.CMP No.259 of 2025:

Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, pleaded to withdraw the suit in OS No.374 of 2023 on the file of Principal Sub-Court, Tiruvannamalai and transfer the same to Sub-Court, Gobichettipalayam.

Prayer in CMP No.5026 of 2025: Petition filed under Section 151 of Code of Civil Procedure, pleaded to stay further proceedings in OS No.374 of 2023 on the file of Principal Sub-Court, Tiruvannamalai pending disposal of the above Transfer Civil Miscellaneous Petition

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For Petitioner(s) : Mr.W.Camyles Gandhi

For Respondent(s) : Mr.B.Mohan



ORDER

1. Heard.

2. This Transfer Civil Miscellaneous Petition is filed under Section 24 CPC to withdraw O.S.No.374 of 2023 from the file of the Principal Sub Court, Tiruvannamalai and to transfer the same to the file of the Sub Court, Gobichettipalayam.

3. The case of the petitioner/defendant is that the cause of action arises only at Gobichettipalayam and therefore the Tiruvannamalai Court lacks territorial jurisdiction.

4. Per contra, the respondent/plaintiff would submit that if the petitioner disputes territorial jurisdiction, the proper course is to raise such objection before the Trial Court and seek appropriate relief, and that a transfer petition cannot be used as a substitute for such adjudication.

5. This Court has considered the rival submissions.

6. It is well-settled that the power under Section 24 CPC is to be exercised to meet the ends of justice, such as convenience of parties, fair trial, avoidance of real hardship or likelihood of prejudice. A transfer petition is not intended to decide disputed questions relating to territorial jurisdiction or the very existence of cause of action, particularly when such issues are to be raised at the earliest before the Trial Court and decided in accordance with the Code.

7. In the present case, the petitioner's plea rests substantially on the assertion



that the cause of action arose at Gobichettipalayam. Such a plea necessarily requires examination of pleadings and materials relevant to jurisdiction. The appropriate remedy is to raise the objection before the Trial Court at the earliest and seek return of plaint / framing of jurisdictional issue / other relief as permissible in law. This Court is therefore not inclined to entertain the transfer petition as a forum to decide jurisdiction.

8. The mere allegation that the petitioner has to travel for hearings, by itself, is not sufficient in the facts of this case to invoke Section 24 CPC, when the core grievance is essentially one of territorial jurisdiction capable of being effectively addressed by the Trial Court. The petitioner is always at liberty to appear through counsel and seek such procedural indulgence as may be available in law.
9. Hence, this Court finds no grounds to order withdrawal and transfer.
10. Accordingly, Tr.C.M.P. No.259 of 2025 is dismissed. The interim stay granted by this Court on 04.03.2025 shall stand vacated and C.M.P. No. 5026 of 2025 is closed. There shall be no order as to costs.

20.01.2026

Index: Yes/No
Neutral Citation: Yes/No
Internet: Yes
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DR. A.D.MARIA CLETE

dsn

To

1. The Principal Sub Court, Tiruvannamalai.
2. The Sub Court, Gobichettipalayam.

TR CMP No. 259 of 2025
and CMP No.5026 of 2025

20.01.2026