



WEB COPY



Tr.C.M.P.No.494 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P.No.494 of 2025

and

C.M.P.No.11946 of 2025

Subbulakshmi

... Petitioner

Vs

1. S.Senthil

2. Selvapriya

3. A.S.Rajadhurai

... Respondents

PRAYER in Tr.C.M.P:

This Transfer Miscellaneous Petition is filed under Section 24 C.P.C., to withdraw the case in O.S.No.170 of 2020 on the file of the Principal District Munsif Court, Dharapuram and transfer the same to III Additional Subordinate Court at Coimbatore for joint trial with O.S.No.166 of 2024.

PRAYER in C.M.P:

To stay all further proceedings in O.S.No.170 of 2020 on the file of the Principal District Munsif Court, Dharapuram



For Petitioner : Mr.A.Parthasarathy
For R1 & R2 : Mr.M.A.P.Thangavel
For R3 : No appearance

ORDER

Heard

2. This Transfer Civil Miscellaneous Petition is filed under Section 24 CPC seeking withdrawal of O.S.No.170 of 2020 from the file of the Principal District Munsif Court, Dharapuram and transfer thereof to the Court of the III Additional District Judge, Coimbatore, to be tried along with O.S.No.166 of 2024.

3. When the matter was taken up, the learned counsel appearing for the respondents pointed out that two suits are pending at Dharapuram touching the same subject-matter, whereas the present Transfer CMP has been filed seeking transfer only one of such proceedings.

4. Upon the above being highlighted, the learned counsel for the petitioner submitted that in the other suit an ex parte order had been passed, a CMA has been filed thereagainst, and that the said matter is not yet restored to file; hence, a transfer petition was not filed in respect of that suit.



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5. In the above circumstances, this Court is of the view that ordering transfer of only one of the connected proceedings, while the other proceeding at Dharapuram (stated to be connected) is not presently in a position for effective clubbing/joint trial, would not serve the very object of the transfer sought, and may itself result in fragmented adjudication. The Transfer CMP, in the present form, therefore does not merit acceptance.

6. Accordingly, TR.CMP.No.494 of 2025 is dismissed. Consequently, CMP.No.11946 of 2025 is closed. No costs.

08.01.2026

mfa

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No



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To

- 1.The Principal District Munsif,
Principal District Munsif Court, Dharapuram
- 2.The III Additional Subordinate Judge,
III Additional Subordinate Court at Coimbatore



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DR. A.D. MARIA CLETE, J

mfa

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and
C.M.P.No.11946 of 2025**

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