



C.R.P.No.4500 of 2025 and Tr.C.M.P.No.914 of 2025
and C.M.P.Nos.22895, 24401 and 20874 of 2025
and C.M.P.No.7070 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.4500 of 2025 and Tr.C.M.P.No.914 of 2025
and C.M.P.Nos.22895, 24401 and 20874 of 2025
and C.M.P.No.7070 of 2026

C.R.P.No.4500 of 2025:

Jayalakshmi Pattabiraman

... Petitioner

vs.

Bhuvaneswari J Ramalingam (deceased)

1.R.Vijayan (Son)

2.M.Ramalingam

3.Anuradha Thanigainayagam

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to pass directions for completion of Auction Proceedings in the suit schedule property as per I.A.No.136 of 2014 in O.S.No.288 of 2005 on the file of the Mahila Court, Chengalpet within stipulated time fixed by this Court.

For Petitioner : Mr.G.Prabhakar

For R1 : Mr.R.Parthasarathy, Senior Advocate
for M/s.P.Palaniandy

For R3 : Mr.K.Stalin



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Tr.C.M.P.No.914 of 2025:

Jayalakshmi Pattabiraman

... Petitioner

vs.

Bhuvaneswari J Ramalingam (deceased)

1.R.Vijayan (Son)

2.M.Ramalingam

3.Anuradha Thanigainayagam

... Respondents

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the O.S.No.288 of 2005 on the file of the Mahila Court, Chengalpattu and transfer the same to the City Civil Court, Chennai.

For Petitioner : Mr.G.Prabhakar

For R1 : Mr.R.Parthasarathy, Senior Advocate
for M/s.P.Palaniandy

For R3 : Mr.M.Guberamoorthy

For R2 : No Appearance

C.M.P.No.24401 of 2025:

Jayalakshmi Pattabiraman

... Petitioner

vs.

Bhuvaneswari J Ramalingam (deceased)

1.R.Vijayan (Son)

2.M.Ramalingam

3.Anuradha Thanigainayagam

... Respondents



C.R.P.No.4500 of 2025 and Tr.C.M.P.No.914 of 2025
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and C.M.P.No.7070 of 2026

PRAYER: Civil Miscellaneous Petition is filed under Section 151 of the Code of Civil Procedure, to appoint any one Advocate Commissioner in the High Court, since the property situated at Postal zone Chennai – 600 097 at Ekkattuthangal/Nandambakkam and adjoining Guindy Industrial Estate: and is well within the Chennai City Corporation and submit the report before this Court, within the time stipulated by this Court.

For Petitioner : Mr.G.Prabhakar

For R1 : Mr.R.Parthasarathy, Senior Advocate
for M/s.P.Palaniandy

C.M.P.No.7070 of 2026:

Bhuvaneswari J Ramalingam (deceased)

1.R.Vijayan (Son) ... Petitioner

vs.

1.Jayalakshmi Pattabiraman

2.M.Ramalingam

3.Anuradha Thanigainayagam ... Respondents

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 151 of the Code of Civil Procedure, to permit the petitioner to sell the 1/4th undivided share in Item No.1 of the suit property in O.S.No.288 of 2005 pending on the file of the Mahila Court, Chengalpattu pending above C.R.P.No.4500 of 2025.

For Petitioner : Mr.R.Parthasarathy, Senior Advocate
for M/s.P.Palaniandy

For R1 : Mr.G.Prabhakar



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COMMON ORDER

The Civil Revision Petition in C.R.P.No.4500 of 2025 has been filed seeking a direction to the Trial Court to complete the auction proceedings initiated in final decree application in I.A.No.136 of 2014 in O.S.No.288 of 2005 on the file of the Mahila Court, Chengalpattu, within the time stipulated by this Court.

2. It is not in dispute that the deceased Bhuvaneswari J Ramalingam/plaintiff filed a suit in O.S.No.288 of 2005 seeking relief of partition. The Preliminary Decree was passed as early as 17.04.2008 declaring 1/4th share in favour of the Bhuvaneswari J Ramalingam/plaintiff. Thereafter, the final decree proceedings were initiated. In the final decree proceedings, an application has been filed in I.A.No.136 of 2014 under Section 2 of the Partition Act, 1893 seeking a direction to the Advocate Commissioner to conduct auction sale of the suit properties after giving due publicity.

3. It appears, an order was passed by the Court below for appointment of Advocate Commissioner to conduct public auction but the same was passed without fixing upset price and time schedule for

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completion of auction process. Aggrieved by the same, the 2nd respondent herein/M.Ramalingam approached this Court by way of revision in C.R.P.(NPD).No.1341 of 2022. In the said revision, the order of the Trial Court was set aside and it was directed to comply with certain directions before ordering auction sale by the Advocate Commissioner. Subsequent to the said order, the Advocate Commissioner was appointed by the Trial Court and he issued notice for conducting auction.

4. Aggrieved by the Docket Order passed by the Court below on 02.11.2022 directing the Advocate Commissioner to initiate auction sale proceedings, the 2nd respondent herein/M.Ramalingam came before this Court by way of revision in C.R.P.No.3991 of 2022. In the said revision, the order impugned was set aside and the Court below was directed to comply with the earlier directions issued in C.R.P.(NPD).No.1341 of 2022 and the Trial Court was further directed to appoint a new Advocate Commissioner, in view of consensus among the Advocates and to pass fresh orders in the light of the directions issued in C.R.P.(NPD).No.1341 of 2022, within a period of four weeks from the date of receipt of copy of the said order.



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5. The learned counsel appearing for the petitioner would submit that inspite of clear direction issued by this Court in C.R.P.(NPD).No.1341 of 2022 and C.R.P.No.3991 of 2022 fixing specified time line for conducting auction, the Trial Court failed to adhere to the time line fixed by this Court. Therefore, she was constrained to approach this Court seeking a further direction to complete the auction proceedings within a time frame. The learned counsel further submitted that the suit was filed in the year 2005, the Preliminary Decree was passed on 17.04.2008 and the final decree proceedings initiated immediately thereafter is still pending.

6. This Court by order dated 18.09.2025 called for the report from the Mahila Court, Chengalpattu as to the stage of the case and the time required for disposal of the same. In response to the said direction, the Presiding Officer of the said Court, in her Letter in D.No.898/2025, dated 29.09.2025 stated that the order passed by the High Court in C.R.P.No.3991 of 2022, dated 01.12.2022 was received by the Court on 30.01.2023 and thereafter, a fresh Advocate Commissioner was appointed on 22.10.2024. It is also stated that due to the filing of numerous memos by the learned counsel appearing for the parties and objection raised by them, the matter



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has been frequently adjourned and therefore, there is some difficulty in completing the auction process. She also sought for extension of time to dispose of the above mentioned case.

7. It is seen from the records that the petitioner and 2nd respondent are octogenarians. The 1st and 3rd respondents are septuagenarians. The suit is nearly two decades old. This Court in the order passed in C.R.P. (NPD).No.1341 of 2022, dated 28.04.2022 fixed a time line of six months for disposal of the matter. Again, this Court in its order dated 01.12.2022 made in C.R.P.No.3991 of 2022 directed the Trial Court to pass fresh orders in the light of the orders passed in C.R.P.(NPD).No.1341 of 2022, within the time period of four weeks.

8. Taking into consideration, the time line already fixed by this Court, age of the parties and also report submitted by the Presiding Officer of the concerned Court, this Court is inclined to direct the Mahila Court, Chengalpattu to complete the auction proceedings in I.A.No.136 of 2014 in O.S.No.288 of 2005 within a period of twelve weeks from the date of uploading of this order.



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9. The 1st respondent in this revision filed C.M.P.No.7070 of 2026 seeking permission to sell his 1/4th undivided share in Item-1 of the suit property citing the delay in final decree proceedings and also his age. Since the main Civil Revision Petition is disposed of with a direction to the Trial Court to complete the auction proceedings within a time frame, this Civil Miscellaneous Petition is closed.

10. The petitioner herein filed C.M.P.No.24401 of 2025 seeking appointment of Advocate Commissioner practising in High Court. The Trial Court pursuant to the direction issued by this Court in earlier C.R.P.No.3991 of 2022 already appointed a fresh Advocate Commissioner for the purpose of conducting auction. The petitioner has not made similar request at the time of disposal of C.R.P.No.3991 of 2022. Further, it is also seen the suit property is not situated within the territorial limits of the original jurisdiction of this Court and it is situated within the territorial limits of the District Court, Chengalpattu. Since the Trial Court already appointed a fresh Advocate Commissioner and a direction issued in the main Civil Revision Petition to complete the auction proceedings within a time frame, this Civil Miscellaneous Petition is also closed.



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11. The Transfer Civil Miscellaneous Petition in Tr.C.M.P.No.914 of 2025 has been filed seeking withdrawal of O.S.No.288 of 2005 from the file of Mahila Court, Chengalpattu and to transfer the same to the file of City Civil Court, Chennai. As mentioned earlier, the suit in respect of which transfer is sought for is in the stage of final decree proceedings. An Advocate Commissioner has been appointed pursuant to the direction issued by this Court for conducting auction sale.

12. Though in the transfer petition, the petitioner raised various grounds, at the time of argument the learned counsel appearing for the petitioner cited the following two reasons as grounds for seeking transfer:-

(i) In spite of time line fixed by this Court earlier in C.R.P.Nos.1341 and 3991 of 2022, the Trial Court failed to adhere to the time line, therefore, the matter has to be transferred to some other Court for the purpose of early disposal.

(ii) It is also submitted by the learned counsel appearing for the petitioner that various orders passed by the Trial Court were challenged before this Court and the matter is unnecessarily dragged on for many



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number of years and therefore, the matter has to be transferred to City Civil Court, Chennai for the purpose of early disposal.

13. I am not impressed by the submission made by the learned counsel appearing for the petitioner in support of his prayer for transfer of the suit. As mentioned earlier, the suit is in the advanced stage of conducting auction sale in final decree proceedings based on the application filed under Section 2 of the Partition Act, 1893.

14. Merely because, the Trial Court is unable to dispose of the proceedings within the time line fixed by this Court, we cannot order transfer of the case to some other Court. If the concerned Court is unable to dispose of the proceedings pending before it within the time line fixed by the High Court, it is always open to the Presiding Officer of that Court to seek extension of time by giving proper justification. Infact, the petitioner already filed C.R.P.No.4500 of 2025 seeking a direction to Trial Court to complete auction proceedings within a stipulated time and the said Civil Revision Petition is disposed of today with a direction to the Trial Court to complete auction proceedings within time frame.



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15. Having filed Civil Revision Petition seeking a direction for early disposal, it is not open to the petitioner to seek transfer of the proceedings on the ground of delay. The prayer made by the learned counsel appearing for the petitioner in C.R.P.No.4500 of 2025 and the prayer in transfer petition in Tr.C.M.P.No.914 of 2025 cannot go together.

16. In order to transfer a case from one Court to other Court, the petitioner seeking transfer must show strong grounds. Merely because, there is delay in disposal of the proceedings due to various objections raised by the parties and Civil Revision Petitions filed before this Court challenging the order passed by the Trial Court, we cannot find fault with the Trial Court and transfer the case to some other Court. In the light of the order passed in C.R.P.No.4500 of 2022, I do not think the petitioner has got any justifiable cause for seeking transfer of the proceedings pending before the Mahila Court, Chengalpattu. Accordingly the transfer application in Tr.C.M.P.No.914 of 2025 stands dismissed.



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In Nutshell:-

- (i) C.R.P.No.4500 of 2025 is disposed of with a direction to the Mahila Court, Chengalpattu to complete the auction proceedings in I.A.No.136 of 2014 in O.S.No.288 of 2005 within a period of twelve weeks from the date of uploading of this order.
- (ii) The connected C.M.P.No.7070 of 2026 and C.M.P.No.24401 of 2025 are dismissed.
- (iii) Tr.C.M.P.No.914 of 2025 stands dismissed.
- (iv) Consequently, the connected other Civil Miscellaneous Petitions are closed.
- (v) In the facts and circumstances of the case, there will be no order as to costs.

25.03.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm



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To
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- 1.The Mahila Court,
Chengalpattu.
- 2.The City Civil Court,
Chennai.



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S.SOUNTHAR, J.

dm

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