



Tr.C.M.P.(MD)Nos.181 and 252 of 2026

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Reserved on : 18.06.2026

Pronounced on : 19.06.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)Nos.181 and 252 of 2026
and
C.M.P.(MD)Nos.4100, 6679 and 5587 of 2026

Tr.C.M.P.(MD)No.181 of 2026

1.U.Venkatalakshmi

2.K.Seeniammal

... Petitioners/
Defendants

Vs.

1.Radha

2.Vijaya Varshini

3.Minor Divya Dharsini
(represented through her mother and
guardian the 1st respondent)

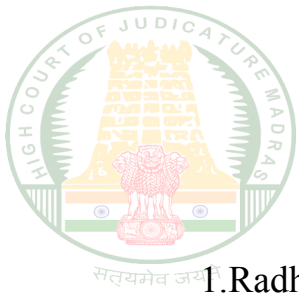
... Respondents/
Plaintiffs

Tr.C.M.P.(MD)No.252 of 2026

U.Venkatalakshmi

... Petitioner

Vs.



Tr.C.M.P.(MD)Nos.181 and 252 of 2026

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1.Radha

2.Vijaya Varshini

3.Minor Divya Dharsini

*(3rd respondent represented by through her mother
and guardian the 1st respondent herein)*

4.The Branch Manager,
Canara Bank,
Kovilpatti,
Thoothukudi District.

5.The Manager,
Canara Robeco Asset Management
Company Ltd.,
No.5, Suriya Towers,
2nd Floor, 272, Goodshed Street,
Madurai.

... Respondents

Common Prayer : These Transfer Civil Miscellaneous Petitions filed under Section 24 C.P.C., to withdraw O.S.Nos.11 of 2020 and 30 of 2024 on the file of the I Additional District Court, Thoothukudi and transfer the same to the file of Principal District Court, Tirunelveli or II Additional District Court, Thoothukudi.

For Petitioner(s)
in both the petitions : Mr.R.J.Karthick

For R1 to R3 in both
the petitions : Mr.A.Srinivasan

For R4 & R5 in
TrCMP(MD)No.252
of 2026 : No appearance



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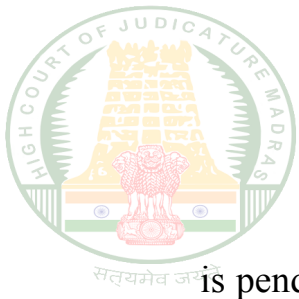
COMMON ORDER

These Transfer Civil Miscellaneous Petitions are filed to withdraw the suits in O.S.Nos.11 of 2020 and 30 of 2024 from the file of the I Additional District Court, Thoothukudi and transfer the same to the file of the Principal District Court, Tirunelveli or II Additional District Court, Thoothukudi.

2. Heard the learned counsel on either side.

3. For the sake of convenience and brevity, the parties hereinafter will be referred to as per their status / ranking in Tr.C.M.P.(MD)No.181 of 2026.

4. It is not in dispute that the respondents as plaintiffs filed a suit in O.S.No.11 of 2020 seeking partition and allotment of 3/4th shares in the suit properties therein and also to declare that the gift deed dated 13.12.2011 executed by the first petitioner / first defendant in favour of the second petitioner / second defendant as null and void and that the said suit



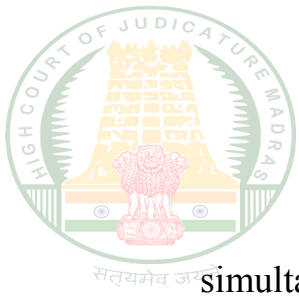
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is pending on the file of the I Additional District Court, Thoothukudi. It is also not in dispute that the first petitioner as plaintiff filed a suit in O.S.No.30 of 2024 seeking partition and allotment of 1/4th share in the suit properties therein and the same was pending on the file of the II Additional District Court, Thoothukudi.

5. It is further evident from the records that the respondents filed a transfer petition in Tr.O.P.No.184 of 2024 before the Principal District Court, Thoothukudi and the learned Principal District Judge, Thoothukudi, passed an order dated 11.09.2025 transferring the suit in O.S.No.30 of 2024 from the file of the II Additional District Court, Thoothukudi to the file of the I Additional District Court, Thoothukudi for simultaneous trial along with O.S.No.11 of 2020 pending on the file of the I Additional District Court, Thoothukudi.

6. The learned counsel appearing for the petitioners would mainly contend that the Principal District Court had directed simultaneous trial of the suits and that, after the records in O.S.No.30 of 2024 were transmitted, the learned I Additional District Judge, Thoothukudi, commenced the



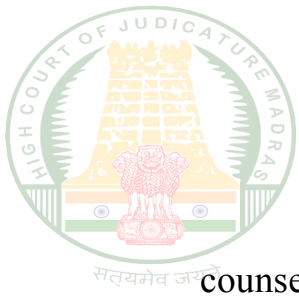
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simultaneous trial. According to the petitioners, when respondents 1 to 3 / defendants 1 to 3 in O.S.No.30 of 2024 subsequently filed an application for reception of additional evidence, the simultaneous trial of the two suits came to be discontinued. It is their further contention that the learned I Additional District Judge, without affording the petitioners / defendants any further opportunity to adduce additional evidence in O.S.No.11 of 2020 or to advance their arguments therein, abruptly posted the suit for judgment, whereas O.S.No.30 of 2024 was adjourned from 18.03.2026 to 21.04.2026 for filing of an additional written statement.

7. The learned counsel appearing for the petitioners would further submit that despite the specific direction for simultaneous trial, the learned I Additional District Judge, Thoothukudi, even before commencing of trial in O.S.No.30 of 2024, has proceeded to post the suit in O.S.No.11 of 2020 for judgment and that therefore, the petitioners were constrained to file the above transfer petitions.

8. When the transfer petition in Tr.C.M.P.(MD)No.181 of 2026 was taken up on 26.03.2026, considering the submissions made by the learned

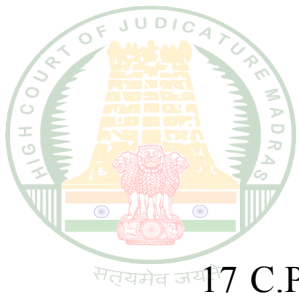


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counsel appearing for the petitioners, this Court directed the learned I Additional District Judge, Thoothukudi, not to pronounce judgment in O.S.No.11 of 2020 and thereafter on 07.04.2026, this Court directed the Registry to call for remarks from the learned I Additional District Judge, Thoothukudi, with regard to the allegations levelled against him in the transfer petition.

9. Pursuant to the above direction, the learned I Additional District Judge, Thoothukudi, submitted his remarks dated 30.04.2026, stating that the records in O.S.No.30 of 2024 were received on 14.10.2025 and that the said suit was repeatedly posted along with O.S.No.11 of 2020 up to 22.01.2026. According to the learned Judge, no progress was made by the petitioners during the said period on the ground that they would commence the trial shortly. Thereafter, the petitioners filed an application under Order VIII Rule 9 C.P.C. seeking leave to file a reply statement, which was allowed on the same day. Subsequently, respondents 1 to 3 / defendants 1 to 3 filed an additional written statement. While the suit was pending for framing of additional issues, the petitioners filed two interlocutory applications under Order I Rule 10 C.P.C. and Order VI Rule



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17 C.P.C., respectively, in I.A.Nos.2 and 3 of 2026. The said applications were allowed on 03.03.2026 and 07.03.2026 respectively. After carrying out the consequential amendments to the plaint, O.S.No.30 of 2024 was posted to 01.06.2026 for trial. The learned Judge has further stated that, despite the lapse of nearly eight months from the date of receipt of the records, the petitioners had not commenced the trial in O.S.No.30 of 2024 and, in such circumstances, simultaneous trial of both suits had become impracticable. It is further stated that, in O.S.No.11 of 2020, the petitioners / defendants had examined as many as nine witnesses as D.Ws. 1 to 9 and yet alleged that they were not afforded sufficient opportunity to examine further witnesses. According to the learned Judge, the petitioners themselves invited the Court to conclude the trial and post the matter for judgment. He has therefore stated that the allegations levelled against him are wholly baseless. However, he has also expressed that he has no objection if both the suits are transferred to any other Court, as deemed fit by this Court.

10. When the matter was taken up for hearing on 17.06.2026, the learned counsel appearing for the petitioners would submit that the



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petitioners are ready to withdraw the allegations levelled against the judicial officer, that both the suits may be transferred to some other District Court, that they will only examine 2 more witnesses in the suit in O.S.No.11 of 2020 and that they will complete the trial in O.S.No.30 of 2024 within the time to be stipulated by this Court. The learned counsel appearing for the petitioners would submit that the first petitioner filed two affidavits in both the transfer petitions in this regard.

11. The learned counsel appearing for the respondents submitted that the respondents have no objection to the transfer of both the suits and also made an endorsement to that effect.

12. It is pertinent to note that the petitioners were permitted to examine as many as nine witnesses on the side of the defendants in O.S.No.11 of 2020 as D.Ws.1 to 9. In such circumstances, the contention that the learned trial Judge failed to afford them sufficient opportunity to examine further witnesses cannot be readily accepted. It is also not the case of the petitioners that they had filed any list of witnesses either before the commencement of the trial or at any subsequent stage seeking permission to examine additional witnesses.



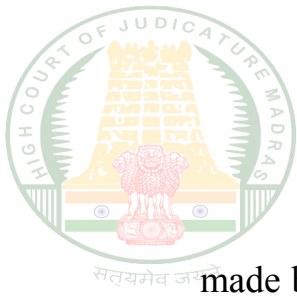
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13. Be that as it may, since the evidence in O.S.No.11 of 2020 had already been closed and the suit had been posted for judgment, it is always open to the petitioners to file appropriate applications for reopening the case and for permission to examine additional witnesses. As already pointed out, the first petitioner has filed affidavits undertaking that, if such permission is granted, the petitioners would examine only two more witnesses in O.S.No.11 of 2020. It is, however, for the transferee Court to consider such applications and pass appropriate orders in accordance with law.

14. With regard to O.S.No.30 of 2024, the learned counsel appearing for the respondents submitted that the transferee Court may be directed to complete the trial within a period of two months, as the defendants therein have substantially admitted the plaintiffs' claim to a one-fourth share in most of the suit properties.

15. Considering the above facts and circumstances, and taking note of the affidavits filed by the first petitioner withdrawing the allegations levelled against the learned judicial officer, as well as the fair submissions



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made by the learned counsel on either side, this Court is of the considered view that both the suits deserve to be transferred to the file of the II Additional District Court, Thoothukudi, in the interest of justice.

16. In the result, these Transfer Civil Miscellaneous Petitions are allowed on the following directions;

- i. The learned I Additional District Judge, Thoothukudi, is hereby directed to transmit the entire records in O.S.No.11 of 2020 and O.S.No.30 of 2024 to the file of the II Additional District Court, Thoothukudi, within a period of 10 days from the date of receipt of a copy of this order and upon receipt of the case records, the learned II Additional District Judge, Thoothukudi, shall take the suits on file and proceed with the same in accordance with law.
- ii. The learned II Additional District Judge, Thoothukudi, shall commence the trial in O.S.No.30 of 2024 and complete the same within a period of two months from the date of receipt of the records.
- iii. The petitioners are at liberty to file necessary applications for reopening and for examining additional witnesses in O.S.No. 11 of 2020 before the II Additional District Court, Thoothukudi and if such applications being filed, the learned II Additional District Judge, Thoothukudi, shall consider the same and pass appropriate orders on merits and in accordance



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with law.

- iv. While considering such applications, the learned II Additional District Judge, Thoothukudi, shall also take into account the affidavits filed by the petitioners undertaking that they would examine only two additional witnesses, if permission is granted.
- v. Since the learned Principal District Judge, Thoothukudi, had earlier directed simultaneous trial of both suits, the learned II Additional District Judge, Thoothukudi, shall, as far as practicable, conduct the proceedings simultaneously and pronounce judgments in both suits on the same day.

17. Consequently, connected Miscellaneous Petitions are closed. No costs.

19.06.2026

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

- 1.The I Additional District Judge,
Thoothukudi.
- 2.The II Additional District Judge,
Thoothukudi.



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K.MURALI SHANKAR,J.

csn

3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Pre-Delivery Common Order made in
Tr.C.M.P.(MD)Nos.181 and 252 of 2026
and
C.M.P.(MD)Nos.4100, 6679 and 5587 of 2026

Dated : 19.06.2026