

Chinnasamy vs Rami

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Court : Chennai Orders

Decided On : Sep-23-2025

Judge : Honourable Mr.Justice M.Jothiraman

Appeal No. : TR CMP/354/2024

Appellant : Chinnasamy

Respondent : RAMI

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-09-2025

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN and C.M.P.No.7477 of 2024

1. CHINNASAMY S/o. Late Kariya Gounder, Door No.292/2, Pannandhur, Pochampalli Taluk, Krishnagiri District
2. Banumathi W/o. Chinnasamy, Door No. 292/2, Pannandhur, Pochampalli Taluk, Krishnagiri District

3. Manonmani W/o Ganapathy, Door No.189/A3 Pannandhur, pochampalli Taluk,Krishnagiri District

4. Kala W/o. Vadivel, Door No.189/A3 Pannandhur, pochampalli Taluk,Krishnagiri District ..Petitioners Vs

1. RAMI W/o. Elangeswaran, No.935, Indira Nagar Colony, Pannandhur, Pochampalli Taluk, Krishnagiri District

2. K Arunachalam S/o. kannupaiah, Vadamangalam, Pochampalli Taluk, Krishnagiri District ..Respondents

PRAYER- To withdraw and transfer the O.S.No.193/2021 pending on the file of the Honourable Sub Court, Uthangarai to Sub Court Krishnagiri.
For Petitioners: V.Balamurugan For Respondents: Sathiyaraj E. (For R1)
M/s. A. Ilayaperumal, (For R2)

ORDER

This Transfer petition is filed by the petitioners to withdraw and transfer the O.S.No.193/2021 pending on the file of the Sub Court, Uthangarai to Sub Court Krishnagiri.

2. The learned counsel appearing for the petitioners would submit that the

petitioners are the defendants 1 to 4 in O.S.No.193 of 2021 on the file of the Sub Court at Uthangarai. The 1st respondent/plaintiff filed the said suit for declaration and recovery of possession in O.S.No.193 of 2021 on the file of the Sub Court at Uthangarai. The learned counsel further would submit that there are 13 suits pending before the Sub Court at Uthangarai for the same subject matter of the property. Learned counsel further would submit that the Judicial Officer who is Presiding Officer was showing personal interest in this suit. The Revision Petitioners/defendants have filed the petition under Section 10 of C.P.C., to stay the suit, but the Court below has mechanically returned the petition to produce certain documents. Therefore, it is just and necessary to transfer the suit in O.S.No.193 of 2021 pending on the file of the Sub Court, Uthangarai to Sub Court

at Krishnagiri.

3. Per contra, the learned counsel appearing for the 2nd respondent would

submit that the present petition has been filed by making certain allegations as against the Judicial Officer. However, the learned Judicial Officer has been transferred and making allegation against the then Judicial Officer is null and void and nothing survives for further adjudication in this petition. The learned counsel appearing for the 2nd respondent would submit that the case in O.S.No.193 of 2021, after framing of necessary issues, two witnesses viz., P.W.1 and P.W.2 were examined on the side of the plaintiffs and thereafter, on the defendants side, chief and cross-examination was also completed for D.W.1, D.W.2 and D.W.3 and the case is now posted for further examination of defendants side evidence. At this stage, if the case is transferred, it would cause prejudice to the parties.

4. Heard the learned counsel for the petitioners as well as the respondents 1 and 2 and perused the entire materials available on record.

5. Considering the submissions advanced on either side, since the trial has

been almost completed in the suit in O.S.No.193 of 2021, at this stage if the case is transferred, it would cause prejudice to either side parties. Moreover, since this Court is not inclined to allow the petition, this Transfer Miscellaneous Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.
23-09-2025 Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No GSA To

1. Rami W/o. Elangeswaran, No.935, Indira Nagar Colony, Pannandhur, Pochampalli Taluk, Krishnagiri District

2. K Arunachalam S/o. kannupaiah, Vadamangalam, Pochampalli Taluk, Krishnagiri District

M.JOTHIRAMAN, J.

GSA and C.M.P.No.7477 of 2024 23-09-2025

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