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T.R.C.M.P. Nos.469 and 471 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2025

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THE HON'BLE MR. JUSTICE P.B. BALAJI

**TR CMP Nos.469 and 471 of 2026
and C.M.P. Nos.13632, 13795 and 16688 of 2026**

TR CMP No.469 of 2026

C. Prasanan

... Petitioner

-VS-

Devaki

... Respondent

Prayer in TR CMP No.469 of 2026: This petition is filed under Section 24 of Civil Procedure Code, to withdraw and transfer the E.P.No.9 of 2025 pending on the file of the Principal Subordinate Judge at Villupuram to the file of the Principal District Judge at Villupuram.

TR CMP No.471 of 2026

C. Prasanan

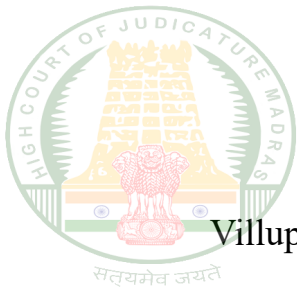
... Petitioner

-VS-

Radhakrishnan

... Respondent

Prayer in TR CMP No.471 of 2026: This petition is filed under Section 24 of Civil Procedure Code, to withdraw and transfer the E.P.No.5 of 2025 in O.S.No.68 of 2021 pending on the file of the Additional District Court at



Villupuram to the file of the Principal District Court at Villupuram.

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For Petitioner in both revisions : Mr. G. Ilamurugu

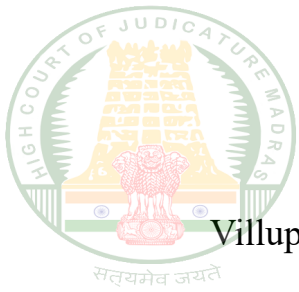
For Respondent in both revisions: Mr. A. Ramamurthy
For Mr. K. Hemanathan

COMMON ORDER

The present Transfer CMPs are filed by the debtor, who has initiated the insolvency proceedings to adjudicate himself as an insolvent. In the interregnum period, the petitioner seeks to transfer the execution petitions filed by the creditors against the petitioner herein to be tried along with the insolvency proceedings.

2. Heard Mr.G.Ilamurugu, learned counsel appearing for the petitioner and Mr.A.Ramamurthy, learned counsel appearing for the respondent in Tr.C.M.P.No.471 of 2026.

3. Admittedly, the petitioner suffered a decree in various suits and decrees have been put to execution in various execution petitions before the Additional District Court, Villupuram, Principal Subordinate Court,



Villupuram and the Principal District Court, Villupuram. In fact the petitioner has also moved this Court in Tr.C.M.P.No.499 of 2026, seeking transfer of insolvency proceedings from the file of the Principal Subordinate Court in I.P.No.02 of 2025 to the Principal District Court at Villupuram to be tried along with the execution proceedings. This Court, by order dated 17.06.2026 dismissed the said transfer application, giving liberty to the petitioner to challenge the sale deeds before the competent civil court.

4. In any event, there is a specific provision under Section 29 of the Tamil Nadu Provincial Insolvency Act, 1920. For better appreciation, Section 29 of the Tamil Nadu Provincial Insolvency Act, 1920 is extracted hereunder:

“29. Stay of pending proceeding.—Any Court in which a suit or other proceeding is pending against a debtor shall, on proof that an order of adjudication has been made against him under this Act, either stay the proceeding, or allow it to continue on such terms as such Court may impose.”

5. In the light of the above avenue open to the petitioner, to seek for stay of proceedings pending on the date on which, he is being adjudicated as insolvent, it shall be always open to the petitioner to move an appropriate application under Section 29 of the Act. Admittedly, it appears that so such

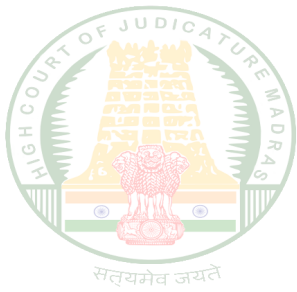


attempt has been made by the petitioner in this regard.

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6. It is also brought to my notice by the learned counsel for the respondent, Mr.A.Ramamurthy that, as against the contested decree a first appeal in A.S.No.566 of 2025 was preferred by the petitioner before this Court, and the learned Single Judge of this Court granted interim stay by an order dated 23.04.2025 in C.M.P.No.9700 of 2025, subject to the condition that the appellant deposits 50% of the decree amount to the credit of the suit within a period of one month, making it clear that on failure to deposit the said amount, the interim stay granted by this Court shall stand vacated automatically, without reference to this Court. Admittedly, the said condition has not been complied with, which has resulted in the consequential order of interim stay being vacated automatically, without reference to the Court.

7. In the light of the above, I do not see how at this juncture, it would be proper for the petitioner to seek transfer of the execution petitions to be tried along with the insolvency proceedings, pending on the file of the Principal Subordinate Court, Villupuram and Additional District Court, Villupuram to the Principal District Court, Villupuram.

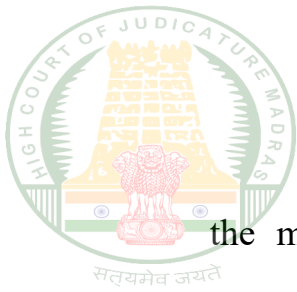


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8. Mr.G.Ilamurugu, learned counsel for the petitioner would however state that atleast all the pending Execution Petitions can be disposed of by a single Court, which would avoid multiplicity of the proceedings, for which Mr.A.Ramamurthy, learned counsel appearing for the respondent/decree holder has no serious objections.

9. In the light of the above, all the pending execution petitions in E.P.No.109 of 2023 on the file of the Principal District Judge, Villupuram, E.P.No.302 of 2024 on the file of the Principal Subordinate Court, Villupuram, E.P.No.06 of 2025 on the file of the Additional District Court, Villupuram and E.P.No.09 of 2025 on the file of the Principal Subordinate Court, Villupuram shall be transferred from the respective files to the file of the Additional District Court, Villupuram to be jointly disposed of along with E.P.No.05 of 2025 in O.S.No.68 of 2021.

10. It is made clear that the learned Additional District Judge, Villupuram shall put on notice to all the decree holders, who are various creditors, before proceeding with the hearing in the execution petitions. In



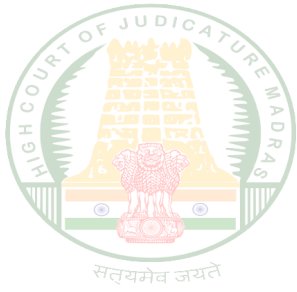
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the meantime, it shall be open to the petitioner to move a Section 29 application under the Provincial Insolvency Act, 1920 and seek for interim stay of further proceedings. It is needless to state that any application filed under Section 29, shall be disposed of, after hearing the objections of all the creditors, including the decree holders herein.

11. With the above directions, these transfer civil miscellaneous petitions are dismissed. Consequently, connected civil miscellaneous petitions stand closed. There shall be no order as to costs.

03.08.2026

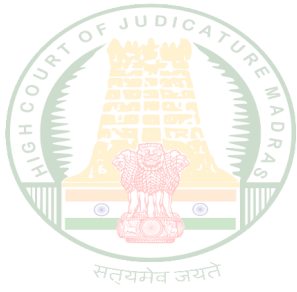
Index : Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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To

1. The Principal District Judge, Villupuram.
2. The Principal Subordinate Judge, Villupuram.
3. The Additional District Judge, Villupuram.



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Case Citation: (2026) ibclaw.in 4724 HC



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P.B. BALAJI, J.,

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