

I.A. 24/2026 in

O.S.No.103/2013

Order, Dated:28.01.2026

The present petition has been filed under Section 151 of the Code of Civil Procedure, 1908, seeking a stay of proceedings on the ground that a Transfer Petition is proposed to be filed before the Hon'ble Principal District Court, Tenkasi.

The learned counsel for the plaintiff submitted that they are intending to file a Transfer petition on the ground of pecuniary jurisdiction. They further submitted that in the proposed Transfer Petition there is a possibility of a favorable order, including the grant of a stay.

This Court has carefully considered the stay petition and the submissions made by the learned counsel for the plaintiff.

While Section 151 of the Code of Civil Procedure grants inherent powers to courts to ensure justice and prevent abuse of process, it cannot be used to circumvent specific provisions or create remedies not contemplated by the Code. A court cannot stay its own proceedings solely under Section 151 if other specific provisions within the CPC, such as Order XXI Rule 29 or Order XLI Rule 5 or section 10 of CPC, are applicable and provide a legal framework for staying proceedings.

It is a well-settled principle that the mere pendency of a Transfer Petition does not, by itself, constitute sufficient ground for granting a stay. In the present case, there is not even a mention of the Transfer

Petition number in the affidavit further the plaintiff is only intending to file transfer petition. The suit of the year 2013 and it is pending for almost decade. A mere oral assertion or filing of an affidavit without any supporting document is unjust in law and appears to be a strategy to delay the proceedings.

Furthermore, in compliance with the direction issued by the Hon'ble Madras High Court in R.O.C.No.17155-A/2016/F1 dated 08.03.2016, subordinate courts have been clearly instructed not to stay proceedings merely because an appeal, revision, or petition is pending before the High Court. The said circular mandates that courts should strictly adhere to Order XLI Rule 5 of the Civil Procedure Code and proceed with the trial unless a stay has been granted or there exists some other legal impediment. Therefore, the proceedings cannot be stayed solely on the ground that a Civil Revision Petition is pending.

As this Court is a subordinate court, it is bound to follow the above-mentioned circular without deviation.

In light of the above, the stay petition is hereby dismissed. No order as to costs. Issue free order copy immediately to the either side counsels without filing formal copy application.

A.D.M.

Tenkasi