

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Tr.C.M.P.NO.244 of 2015

C.R.Satyanarayanan

Sole Proprietor,

M/s.Intech.

Plot No.74, Perungudi,

Industrial Estate, Perungudi, Chennai-95

.... Petitioner

Vs.

M/s.Kumuran Systems Private Limited

rep. by its Director

Vijayasekhar Subramaniam

NO.5,5th floor, North Wing, A Block,

Tidal Park,Taramani, Chennai 73.

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 (1)9B(ii) of the Civil Procedure Code, to withdraw the suit in O.S.No.267 of 2009 pending on the file of the learned Principal Judge, Chengalpet and transfer it to the City Civil Court, Chennai.

For Petitioner : Mr.K.S.V.Prasad

For Respondent : -

JUDGMENT

The petitioner, who is the plaintiff before the Trial Court, has come before this Court, seeking transfer of the suit in O.S.No.267 of 2009 filed by him, from the Principal Judge, Chengalpet to City Civil Court, Chennai, on the ground that the parties are residing in Chennai and the suit has been filed for possession and damages and subsequently the suit was pending only for the relief of damages.

2. Heard Mr.K.S.V.Prasad, learned counsel appearing for the petitioner and perused the records carefully.

3. It is seen that the suit for possession and damages was filed as early as 2009. Pending the said suit, the

respondent/defendant surrendered the possession to the petitioner and only the prayer for damages alone has to be gone into. However, the stage of the case is that the trial was commenced and P.W.1 was examined and the matter was adjourned for so many times. When the trial was already commenced, there is no useful purpose for the parties by transferring the suit to City Civil Court, Chennai and therefore, the prayer sought for by the petitioner cannot be granted and the Transfer Miscellaneous Petition is dismissed. No costs. However, taking into consideration that the suit is pending from 2009, it is appropriate to direct the trial Court to dispose of the matter on or before 31.07.2015.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rrg

To

The Principal Judge,
Chengalpet.

1 cc to Mr.K.S.V.Prasad ,Advocate, SR.No.18299

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pmk.5.2.2015

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