

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2016

CORAM

THE HONOURABLE Mr. JUSTICE P.R.SHIVAKUMAR

Tr.C.M.P.No.346 of 2014

and

M.P.Nos.1 of 2014 and 2 of 2015

Mrs.Rajakumari Jhamed (died)

Tejraj Jain (died)

1. Chanchal

2. Sunitha

3. Nirmala

4. Santhosh

5. Tarun Kumar

6. Pinky

7. Deepak Kumar

8. Parika

... Petitioners/Plaintiff

Vs

V.N. Doraiammal (died)

1. Susila

2. V.R.Venkata Hariharan

V.R.Sudarsan (died)

3. V.R.Loganathan

4. Padmini

5. V.N.Subbaraman

... Respondents/Defendants

Petition filed under Section 24 of the Civil Procedure Code to withdraw and re-transfer the suit O.S.No.15520 of 1996, pending on the file of First Assistant City Civil Court, Madras to the file of this Hon'ble Court for continuation of trial.

For Petitioner : Mr.M.S.Subramanian

For Respondents-1 to 4 : Mr.M.Balasubramanian

For Respondent-5 : No Appearance

O R D E R

Heard both sides.

2. The plaintiffs in the original suit are the petitioners in the Transfer Civil Miscellaneous Petition.

3. The suit came to be originally filed on the original side of this High Court as C.S.No.218 of 1986. Subsequently, due to change in law regarding pecuniary jurisdiction, the case came to be transferred to the City Civil Court, Chennai and re-numbered as O.S.No.15520 of 1996. The original plaintiff passed away and his legal representatives were brought on record and they are the present plaintiffs. In 2006, the plaintiffs filed an application in I.A.No.7277 of 2006 to amend the plaint. The same was dismissed. Challenging the said order dismissing the amendment petition, they filed C.R.P.PD.No.1381 of 2006 before this Court. While dismissing the said Civil Revision Petition, this Court by order dated 14.06.2012, directed the trial Court to complete the trial within four months. Thereafter, two years period was allowed to lapse and then the petitioners have come forward with the present Transfer Civil Miscellaneous Petition for the transfer of the above said original suit to the file of this High Court on expressing an apprehension that the City Civil Court may not be in a position to pass a decree declaring the decree passed by the High Court in a previous suit to be null and void as prayed for by the plaintiffs.

4. The said apprehension is unfounded and as rightly contended by the learned counsel for the respondents, the present Transfer Civil Miscellaneous Petition is nothing but an attempt to prolong the case as long as possible. Hence, this Court is of the view that the present Transfer Civil Miscellaneous Petition deserves to be dismissed and the trial Court shall be again directed to dispose of the original suit within a period of eight weeks from today.

5. Accordingly, the Transfer Civil Miscellaneous Petition is dismissed. However, the trial Court is directed to dispose of the original suit within a period of eight weeks from today. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn

To

The First Assistant City Civil Court,
Madras

+1cc to Mr.M.S.Subramanian, Advocate, S.R.No.9001
+1cc to Mr.M.Balasubramanian, Advocate, S.R.No.9049

Tr.C.M.P.No.346 of 2014
and
M.P.Nos.1 of 2014 and 2 of 2015

SKV(CO)
CA(23/02/2016)



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