

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2016

CORAM:

THE HON'BLE MR.JUSTICE P.R.SHIVAKUMAR

TR.C.M.P.NO.154 OF 2016 AND C.M.P.NO.4007 OF 2016

M/s.Vinod Builders,
represented by its Proprietrix
Mrs.Vasuki Aravindan,
W/o.C.Aravindan,
No.5, Rukmani Devi Street,
Indra Nagar, Valasaravakkam,
Chennai - 600 087. Petitioner

Vs.

M.Sundaravarathan Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure praying to withdraw the suit in O.S.No.171 of 2012 now pending on the file of the District Judge at Chengalpet and transfer to any other Court at the City Civil Court at Chennai, which has got competent jurisdiction to try the same.

For Petitioner : Mr.N.Jothi
for Mr.M.C.Govindan
For Respondent : Mr.S.Anburaja

ORDER

The plaintiff in O.S.No.171 of 2012 pending on the file of the Principal District Judge, Chengalpet is the petitioner in the present Transfer Civil Miscellaneous Petition.

2. Complaining that there was no progress in the case initially due to the non-co-operation of the members of the Bar pursuant to the rivalry between the Chengalpet Bar and Kancheepuram Bar and subsequently due to other reasons, which are not known to the petitioner, the petitioner has prayed for the withdrawal of the said suit from the file of the Principal District Judge, Chengalpet and transfer of the same to the file of either the Principal Judge or any of the Additional Judges of the City Civil Court at Chennai.

3. Unfortunately, the pecuniary jurisdiction of the Principal Judge, City Civil Court, Chennai and the Additional Judges of City Civil Court, Chennai is below the claim made in the suit. Hence, the suit cannot be transferred to the City Civil Court at Chennai. However, Mr.N.Jothi, learned counsel arguing for the counsel for the petitioner, submitted that the petitioner may be permitted to amend the petition suitably. At that juncture, learned counsel for respondent intervened and submitted that since the very petition cannot be sustained, granting time to amend the prayer will further delay the proceedings.

4. Mr.N.Jothi, learned counsel arguing for the counsel on record for the petitioner would submit that at least the Principal District Judge, Chengalpet may be directed to dispose of the suit within a time-frame to be fixed by this Court. It is brought to the notice of this Court that after the filing of the written statement, issues have been framed and the matter is pending for trial. For the said submission, the learned counsel for the respondent does not have any objection.

5. In view of the above said representations, the Transfer Civil Miscellaneous Petition is dismissed. However, as requested on behalf of the parties, the learned Principal District Judge, Chengalpet is directed to include the suit in O.S.No.171 of 2012 in the Special List for the month of June, 2016, conduct the trial without granting unnecessary adjournments and dispose of the same as early as possible and in any event, not later than the end of July, 2016. A report of compliance should be submitted to the High Court. No costs. Consequently, the connected civil miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-IV)

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Sub-Assistant Registrar

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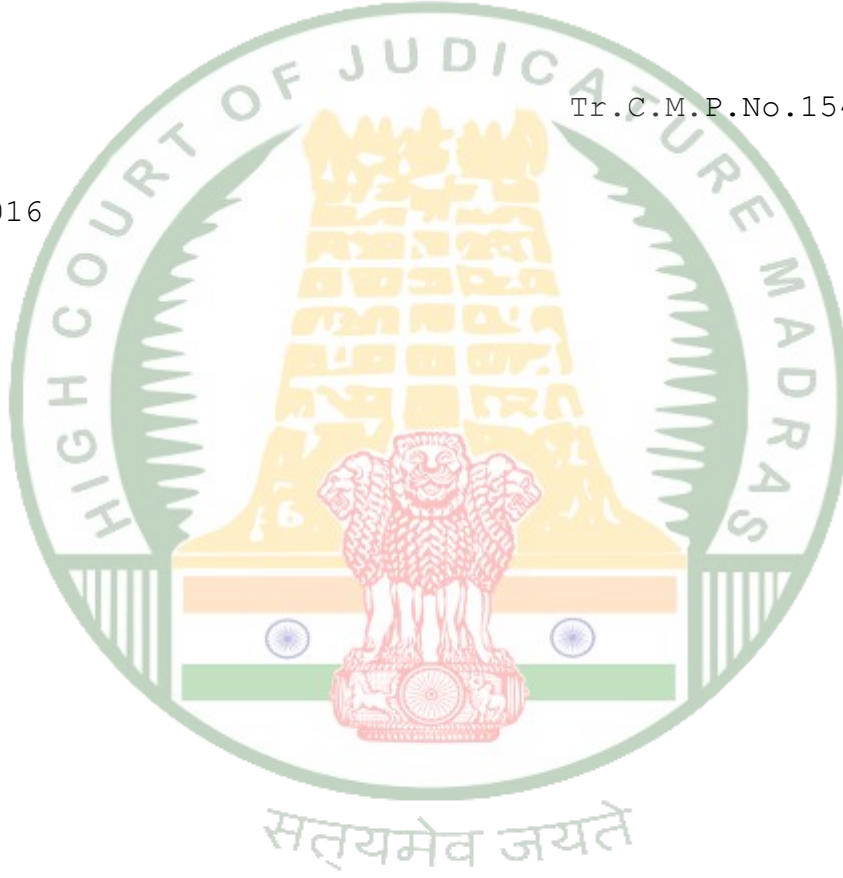
1.The Principal District Judge,
Chengalpet.

2.The Section Officer
Judicial section
High Court, Madras

+1 cc to Mr.S.Anburaja Advocate sr.21439
+1 cc to Mr.M.C.Govindan Advocate sr.21037

Tr.C.M.P.No.154 of 2016

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