

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.422 of 2016 and
C.M.P.No.11145 of 2016

1.Anwar Sheriff
2.Akber Sheriff
3.Rahmath Sheriff ...Petitioners/Appellants

versus

1.S.E.Mohammed Rizwanullah
2.Kahkashan Anjum
3.Mohamed Faizullah
4.Munvar Sheriff
5.Abitha Bi ...Respondents/Respondents

PRAYER: Tr.C.M.P. filed under section 24(1) of C.P.C., to withdraw the RCA. No.483 of 2015, pending on the file of the VIIIth Small Causes Court, Chennai to any other competent Court.

For Petitioner : Mr.A.Sirajudheen, SC
for Mr.R.Rajamani

For Respondents : Mr.AR.L.Sundaresan, SC
1 to 3 for Mr.L.Dhamadaran

O R D E R

The petitioners have come forward with this transfer miscellaneous petition with an allegation that in case, the Rent Control Appeal in RCA. No.483 of 2015 is taken up by the VIIIth Small Causes Court, Chennai, they would not get justice.

2.Learned Senior Counsel appearing for the petitioners submitted that the petitioners have already preferred a complaint before the Vigilance Cell against the VIIIth Small Causes Court, Chennai, alleging certain acts of mis-conduct. Registry entertained the complaint and the enquiry is under progress. The Revision Petitioners, therefore, wanted the proceedings to be transferred to any other Court.

3.Learned Senior Counsel for the respondents would submit that in case, the matter is transferred to a Court beyond the jurisdiction of City Civil Courts, Chennai pursuant to the request made by the petitioners, it would create a bad precedent. Learned Senior Counsel would further submit that there are two other Courts in Chennai and the matter can be transferred to one of such Courts.

4. Thereafter, the learned Senior Counsel for the petitioners and the learned Senior Counsel for the respondents agreed that the matter can be transferred to the VII Small Causes Court, Chennai.

5. The petitioners have come up with certain allegations against the VIII Small Causes Judge, in this transfer petition. The allegations made against the said learned Judge cannot be decided in this transfer petition. In any case, on account of initiation of complaint by the petitioners against the learned VIII Judge, Small Causes Court, Chennai, it would not be in the interest of parties to permit the learned Judge to take up the Rent Control Appeal for disposal. Since the parties have arrived at a consensus, there is no difficulty in transferring the case to another learned Judge.

6. In view of the above, the proceeding in RCA. No.483 of 2015 is withdrawn from the file of the VIIIth Small Causes Court, Chennai and is transferred to the file of VIIth Small Causes Court, Chennai for disposal on merits.

7. The Transfer CMP is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

To

- 1.The VIIIth Judge, Small Causes Court, Chennai.
- 2.The VIIth Small Judge, Causes Court, Chennai.
- 3.The Registrar, Small Causes Court, Chennai.

+1cc to Mr.R.Rajamani, Advocate Sr.54767

+1cc to Mr.L.Dhamodaran, Advocate Sr.54441

Transfer CMP No.422 of 2016

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srg 01/11/2016