

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2016

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

TR.C.M.P.Nos.58 & 59 of 2016
and
C.M.P.Nos.1090 and 1091 of 2016

M.Kandan ... Petitioner
in both the petitions
Vs.

K.Suresh ... Respondent
in both the petitions

Prayer in Tr.CMP.No.58 of 2016:Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code praying to withdraw the case in R.C.O.P.No.1 of 2011 on the file of the Court of District Munsif-cum-Judicial Magistrate, Rent Controller, Walajapet and transfer the same to District munsif Court, Cheyyar, Thiruvannamalai District or any other competent Court.

Prayer in Tr.CMP.No.59 of 2016:Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code praying to withdraw the case in R.C.O.P.No.1 of 2012 on the file of the Court of Rent Controller, Walajapet and transfer the same to District Munsif Court, Cheyyar, Thiruvannamalai District or any other competent Court.

For Petitioner: Mr.S.Vadivel Murugan

C O M M O N O R D E R

The petitioner in both the Transfer Civil Miscellaneous Petitions is the tenant and the respondent is the landlord.

2. The petitioner filed R.C.O.P.No.1 of 2011 under Section 8 (5) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 for an order permitting him to deposit the rent into the Court of the Rent Controller, Walajapet. The respondent/landlord has filed R.C.O.P.No.1 of 2012 under Section 10 (3)(a)(ii) of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 for eviction of the tenant on the ground of bona fide requirement for additional accommodation. Both the cases

are now ripe for trial. Under the said circumstances, the petitioner/ tenant has come forward with these Transfer Civil Miscellaneous Petitions praying for orders transferring both the R.C.O.Ps to the District Munsif (Rent Controller), Cheyyar.

3. The solitary ground on which the petitioner seeks transfer of R.C.O.Ps is that since the respondent / landlord is an advocate practicing in the Courts at Walajapet, the petitioner/tenant was not in a position to engage a trustworthy advocate at Walajapet to conduct his cases before the Rent Controller at Walajapet.

4. This Court feels happy that the petitioner has not traded any charge against the Rent Controller that he would be lenient towards the respondent, who is an advocate practising in the said Court. On the other hand, the present averment in the Transfer Civil Miscellaneous Petitions amounts to scandalising the profession itself. If at all he does not trust any of the advocates at Walajapet, he could have engaged an advocate from the neighbouring station. On the other hand, seeking transfer of the cases to Cheyyar is nothing but an attempt to prolong the case as long as possible as it is done generally by the tenants when they face threat of eviction on the ground of bona fide requirement of the owner for his own occupation or additional accommodation. Hence, this Court is of the view that the Transfer Civil Miscellaneous Petitions are liable to be dismissed at the threshold and at the same time, the Rent Controller, Walajapet shall be directed to dispose of both the R.C.O.Ps expeditiously, in any event, not later than three months from the date of receipt of a copy of this order.

In the result, both the Transfer Civil Miscellaneous Petitions are dismissed and the Rent Controller, Walajapet is directed to dispose of both the R.C.O.Ps expeditiously, in any event, not later than three months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

gpa

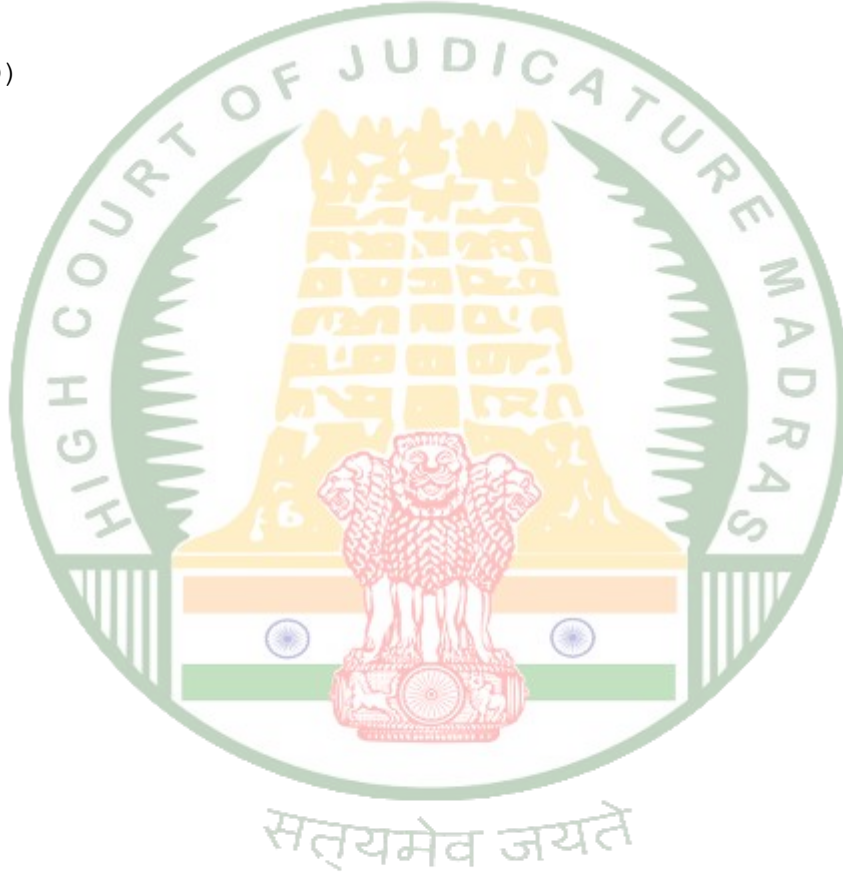
To

The District Munsif-cum-Judicial Magistrate
Rent Controller, Walajapet

2 ccs to M/s. Vadivel Murugan, Advocate, Sr. 6861, 6862

TR.C.M.P.Nos.58 & 59 of 2016&
C.M.P.Nos.1090 and 1091 of 2016

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