

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2017

CORAM

THE HONOURABLE MR.JUSTICE M. DURAISWAMY

Tr.C.M.P.No.111 of 2017
and C.M.P.Nos.1770, 3546 to 3548 of 2017

1.P.Hariharan

2.H.Sheela Rani

... Petitioners

Vs.

1.P.Radhakrishnan

A.Pethaperumal (Died)

... Respondents

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code to withdraw and transfer O.S.No.354 of 2009 on the file of the District Munsif, Ambattur to any other City Civil Court, Chennai.

For Petitioners : Mr.K.Balakrishnan

For Respondent : Mr.K.Govi Ganesan

ORDER

The defendants 2 & 3 in O.S.No.354 of 2009 on the file of the District Munsif, Ambattur, have filed the Transfer Civil Miscellaneous Petition to withdraw the suit in O.S.No.354 of 2009 pending on the file of the District Munsif, Ambattur and transfer to the file of the City Civil Court, Chennai.

2.The petitioners disputed the jurisdiction of the District Munsif, Ambattur and contended that only the City Civil Court, Chennai shall have the jurisdiction to try the suit in O.S.No.354 of 2009.

3.The suit in O.S.No.354 of 2009 was filed by the plaintiff to declare that the Cancellation Deed or the Settlement Deed dated 08.06.2005 executed and registered in the Office of the SRO, Villivakkam by a Deed of Revocation of Settlement Deed dated 16.11.2006 as non-est in the eye of law; to declare that the Settlement Deed executed by the 1st defendant in favour of the plaintiff and the 2nd defendant dated 20.11.2006 and registered in the Office of the SRO, Villivakkam in respect of the Schedule 'A' is non-est in the eye of law; to declare that the Settlement Deed dated 18.06.2009 registered in the Office of the SRO, Villivakkam executed by the 2nd defendant in favour of the 3rd defendant in respect of the half share of the schedule mentioned property mentioned as 'C' Schedule as non-est in the eye of law; and for permanent injunction.

4.The suit property situate in Plot No.W-153, B-Sector, 1st Street, Anna Nagar Western Extension, Chennai - 600 101 and comprised in Survey No.118 Part, Padi Village, formerly Chengalpattu MGR District, now

Thiruvallur District, is situated within the Registration Sub District of Villivakkam and Registration District of North Madras.

5.Since the petitioners have disputed the jurisdiction of the District Munsif, Ambattur, this Court, by order dated 10.03.2017, called for a report from the Registrar (Judicial) of this Court with regard to the jurisdiction of the Court. In compliance of the order passed by this Court, the Registrar (Judicial) submitted a report wherein he has stated that after verifying the location of the suit property in O.S.No.354 of 2009, the Principal District Judge, Thiruvallur has sent a letter stating that the suit property comes within the jurisdiction of the District Munsif, Ambattur. In this regard, a Process Server was also deputed to inspect the suit property and to find out the actual location of the same. After considering the letter submitted by the Principal Judge, City Civil Court, Chennai, the Principal District Judge, Thiruvallur and the District Munsif, Ambattur, the Registrar (Judicial) has stated that the suit property in O.S.No.354 of 2009 comes within the jurisdiction of the District Munsif, Ambattur.

6.In view of the report filed by the Registrar (Judicial), I am of the view that the suit property comes within the jurisdiction of the District Munsif, Ambattur and it does not come within the jurisdiction of the City

Civil Court, Chennai. Therefore, the suit filed by the plaintiff before the District Munsif, Ambattur is just and proper and the District Munsif, Ambattur has got jurisdiction to try the suit.

7.The learned counsel on either side submitted that the trial Court, viz., the District Munsif, Ambattur may be directed to dispose of the suit within a time frame.

8.Having regard to the submissions made by the learned counsel on either side, I direct the District Munsif, Ambattur to dispose of the suit in O.S.No.354 of 2009, on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

9.With these observations, the Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Index : No
Internet : Yes
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20.03.2017

Note: Issue order copy on 22.03.2017.

To

1.The District Munsif,
Ambattur.

M. DURAISWAMY,J.,

va

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