

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2017

CORAM

THE HONOURABLE MR.JUSTICE M. DURAISWAMY

Tr.C.M.P.No.295 of 2017
and C.M.P.No.5667 of 2017

A.Jayabalan

... Petitioner/Respondent 1

Vs.

1.B.Nandhakumar
2.Manjula
3.Rajkumar

... Respondents/Petitioners/Respondents

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code to withdraw and transfer R.C.O.P.No.931 of 2015 on the file of the X Small Causes Court, Chennai to any other Small Causes Court, Chennai.

For Petitioner : Mr.A.E.Kalaiselvan

O R D E R

The petitioner, who is the tenant in R.C.O.P.No.931 of 2015 on the file of the X Judge, Small Causes Court, Chennai has filed the above petition to transfer the proceedings pending on the file of the X Judge, Court of Small Causes, Chennai to the file of some other Court in Court of Small Causes, Chennai.

2.The 1st respondent filed R.C.O.P.No.931 of 2015 for eviction on the ground of own use and occupation. The revision petitioner/tenant filed his counter and is contesting the Original Petition.

3.The Rent Controller took up the matter for trial and during the pendency of the trial, the tenant has filed the above petition to transfer R.C.O.P.No.931 of 2015 pending on the file of X Judge, Court of Small Causes, Chennai to the file of some other Court in the Court of Small Causes.

4.In the affidavit filed in support of the petition, the petitioner/ tenant has stated that at the time of cross examination of the petitioner/ tenant, the learned Judge interfered and put some uncomfortable questions to the tenant

and also compelled him to settle the matter with the 1st respondent.

5.Mere putting questions to the witness at the time of cross examination is not a ground to transfer the Original Petition to the file of some other Court. The only averment stated by the tenant is that the Presiding Officer compelled him to enter into compromise with the 1st respondent.

6.The learned counsel appearing for the petitioner has submitted that now the matter is posted for further evidence on the side of the tenant.

7.In these circumstances, I am not inclined to transfer the Original Petition in R.C.O.P.No.931 of 2015 to the file of some other Court in the Court of Small Causes. However, I direct the X Judge, Court of Small Causes, Chennai to decide the Original Petition in R.C.O.P.No.931 of 2015, on merits and in accordance with law, without insisting the parties to settle the matter.

8.With these observations, the Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1. The X Small Causes Court,
Chennai

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