

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:15.12.2017
CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.585 of 2015
and M.P.No.1 of 2015

Mageshbose

... Petitioner

versus

1. T.M.Gayathri @ Gayathri Devi
2. Sankaran Nair
3. S. Murali
4. Nalini

... Respondents

Prayer: This transfer petition is filed under Section 24 of C.P.C. praying to withdraw E.A.No.2 of 2011 in E.P.No.186 of 2010 from the file of the 16th Small Causes Court and transfer the same to 8th Assistant City Civil Court, Chennai to try along with O.S.No.3129 of 2014.

For Petitioner : Mr.S.Lakshmanasamy
For Respondent 1 : Mr.B.K.Sreenivasan
Respondents 2 to 4 : Not ready in notice

O R D E R

The transfer petition is filed by the petitioner, seeking to withdraw E.A.No.2 of 2011 in E.P.No.186 of 2010 from the file of XVI Small Causes Court, Chennai and transfer the same to the file of VIII Assistant City Civil Court, Chennai and the said E.P. was filed in rent control proceedings in R.C.O.P.No.28 of 1999.

2. The petitioner herein is a third party even to the rent control proceedings having filed an application under Order 21 Rule 97 r/w 151 of C.P.C. claiming to be the person in possession and to record the obstruction in the execution proceeding. The suit is filed by the respondent Gayathri Devi, who is the land lady in the rent control proceedings and the suit is filed for the relief of declaration that the settlement deed dated 31.05.2010 is null and void.

3. The above said transfer petition was adjourned from February 2017 on several occasion. Earlier, the matter was posted on 23.10.2017, and thereafter, it was adjourned as there was no representation on the side of the petitioner, on 31.10.2017, 24.11.2017 and again on 30.11.2017.

4. Even today (i.e. on 15.12.2017), when the matter is called, the petitioner is not ready and once again sought time. This Court is not inclined to further adjourn the matter as it is only an exercise of procrastination. Besides, the

rent control proceedings are summary in nature and any transfer of the proceedings from one controller to another is governed by Section 14(ii) of the Tamil Nadu Building (Lease and Rent Control) Rules, 1974. It is not known how the petition is filed under Section 24 of the C.P.C., and therefore, even on the ground of maintainability, the Tr.C.M.P. is to be dismissed.

5. Accordingly, the Transfer Civil Miscellaneous Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The XVI Judge,
Small Causes Court, Chennai.

SM:10.1.2018

Tr.C.M.P.No.585 of 2015
and M.P.No.1 of 2015

सत्यमेव जयते

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