

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. Nos.1086 and 1087 of 2017

and C.M.P.Nos.22373 and 22374 of 2017

M/s Sudhir Cranes (P) Ltd.
No.101, Regency Enclave
No.4/13, Magrath Road,
Bangalore - 560 025

... Petitioner
in both Tr.C.M.Ps.

Vs.

Bharat Heavy Electrical Ltd.,
(A Government of India undertaking)
Boiler Auxilaries Plant,
Indira Gandhi Industrial Complex,
Ranipet, Tamil Nadu - 632 406.

... Respondent in
both Tr.C.M.Ps.

COMMON PRAYER- Petitions are filed under Section 24 of C.P.C., to withdraw O.P.Nos.1 and 3 of 2015 pending on the file of the Additional District Court-II, Ranipet and transfer the same to the file of any one of the Additional City Civil Courts at Chennai.

For Petitioner : Mr.V.Parivallal

For Respondent : M/s.G.Jayanthi
for Mr.F.B.Benjamin George

C O M M O N O R D E R

These petitions are filed to withdraw O.P.Nos.1 and 3 of 2015 pending on the file of the Additional District Court-II, Ranipet and transfer the same to the file of any one of the Additional City Civil Courts at Chennai.

2.The issues and the parties involved in both the Transfer Civil Miscellaneous Petitions are one and the same and therefore, they are disposed of by this common order.

3.The petitioner is the applicant in Arbitration O.P.No.1 of 2015 and respondent in Arbitration O.P.No.3 of 2015. According to the petitioner, both the petitioner and respondent are having office at Chennai and both are conducting many cases in this Court. The II Additional District Judge, Ranipet is having heavy

work and for the past two years, not even the issues were framed in Arbitration O.P.Nos.1 and 3 of 2015. If both the Original Petitions are transferred to Additional City Civil Courts at Chennai, it will be convenient for both the parties in completing the case and both the cases will be disposed of earlier.

4.The learned counsel for the respondent opposed the same on the ground that all the documents are available only at Ranipet and the respondent will be greatly prejudiced if it is transferred from the Additional District Court-II, Ranipet to Additional City Civil Courts at Chennai.

5.Heard the learned counsel for the petitioner as well as the respondent and perused the materials available on record.

6.The main grievance of the petitioner is that Arbitration Original Petitions are pending for more than two years without any progress. This will not be a ground for transfer. It is suffice to direct the learned II Additional District Judge, Ranipet to dispose of both the Arbitration O.P.Nos.1 and 3 of 2015 within a period of six months from the date of receipt of a copy of this order and file the compliance report before this Court.

7.With the above direction, both the Transfer Civil Miscellaneous Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

gsa

To

1.The II Additional District Judge, Ranipet

2.The Judge,
Additional City Civil Court,
Chennai

+1 cc to Mr.F.B.Banjamin George Advocate sr 34754

+2 ccs to Mr.V.Parivallal Advocate sr 34883

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