

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.06.2018
CORAM :
THE HONOURABLE MS. JUSTICE V.M.VELUMANI
Tr.C.M.P.No.328 of 2018

K.Ethirajulu

... Petitioner

Vs.

K.Yuvanamoorthy

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw O.S.No.3118 of 2017 pending on the file of the III Assistant City Civil Court, Chennai and transfer the same to the file of the XV Additional City Civil Court, Chennai to be tried along with O.S.No.1063 of 2018.

For Petitioner : Mr.P.Sam Japa Singh

O R D E R

The petitioner has come out with the present Transfer Civil Miscellaneous Petition to transfer O.S.No.3118 of 2017 pending on the file of the III Assistant City Civil Court, Chennai to the file of the XV Additional City Civil Court, Chennai to be tried along with O.S.No.1063 of 2018.

2. According to the petitioner, the parties and property involved in both the suits are one and the same. The respondent has filed O.S.No.3118 of 2017 on the file of the III Assistant City Civil Court, Chennai for declaration of title and for possession of the suit 'B' Schedule property. The petitioner has filed O.S.No.1063 of 2018 on the file of the XV Additional City Civil Court, Chennai, for partition, separate possession and for declaration. The suit filed by the petitioner is pending on the file of XV Additional City Civil Court, Chennai, while the suit filed by the respondent is pending on the file of the III Assistant City Civil Court, Chennai.

3. As per Section 24(3) of CPC, both the Additional and Assistant Judges are subordinate to Principal District Judge. In the present case, both the Assistant and Additional Judges are subordinate to Principal Judge, City Civil Court, Chennai as per Section 24(3) of CPC. In view of the said Section, the remedy for the petitioner is to file the present petition before the Principal Judge, City Civil Court, Chennai.

4. For the above reason, the Transfer Civil Miscellaneous Petition is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The III Assistant City Civil Judge,
Chennai.

2.The XV Additional City Civil Judge,
Chennai.

+1cc to Mr.P.Sam Japa Singh, Advocate Sr.No.34826

SVN(CO)
sm:18.6.2018

Tr.C.M.P.No.328 of 2018



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