

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 26.09.2018

PRONOUNCED ON : 27.09.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No. 619 of 2018

The Management of

The Vijay Park Hotel (AVRN Hotels Pvt., Ltd.,)

No.12, Jawaharlal Nehru Road,

Inner Ring Road,

Arumbakkam, Chennai-600 106. ... Petitioner

Vs.

R.Suresh ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw I.D.No.103 of 2018 pending on the file of II Additional labour Court and transfer the same to the file of Principal Labour Court for joint enquiry along with C.P.No.85 of 2018.

For Petitioner : Mr.M.Santhanaraman

For Respondent : No appearance

set exparte vide order

dated 26.09.2018

ORDER

Materials placed on record go to show that the respondent has filed C.P.No.85 of 2018 on the file of the Principal Labour Court, Chennai for claiming alleged arrears of part time wages etc.,. Further, it is also noted that the respondent has filed I.D.No.103 of 2018 seeking reinstatement with back wages and the same is pending on the file of the II Additional Labour Court, Chennai.

2.Contending that in both the proceedings, the parties are one and the same and the issues involved in both the matters are almost similar and the evidence to be tendered in respect of both the matters would also be common, accordingly, seeking transfer of the proceeding pending on the file of the II Additional Labour Court to the file of the Principal Labour Court, Chennai for joint trial of the two proceedings above stated, the present transfer petition has come to be laid by the petitioner.

3.In this matter, though the respondent has been served, he has not evinced interest to challenge the transfer request of the petitioner. Accordingly, the respondent having been called and remained absent and he has been set exparte.

4.As abovestated, the two proceedings between the same parties involving common issues between them, on the basis of the same set of facts are pending and as rightly put forth by the petitioner's counsel for the determination of the two proceedings, the parties would be required to adduce common evidence and accordingly, contending that the determination of the two proceedings by one and the same Forum would be beneficial to both the parties and the same would also avoid conflict of decisions, accordingly, it is found that the petitioner has come forward with the transfer petition.

As the abovesaid cause projected by the petitioner for seeking the transfer cannot be repudiated as such, accordingly, it is found that the respondent also has not evinced interest to contest the same. As could be seen from the averments contained in the petition, the petitioner has also moved the Principal Labour Court for effecting the transfer, however, the said petition has been returned by the Principal Labour Court, Chennai stating that the said Court has no power to order the transfer as prayed for. Resultantly, the petitioner is before this Court.

5.Considering the facts in toto, it is seen that the petitioner has made a just cause for accepting the transfer request prayed for. Resultantly, I.D.No.103 of 2018 is withdrawn from the file of the II Additional Labour Court, Chennai and transferred to the file of the Principal Labour Court, Chennai, for joint enquiry along with C.P.No.85 of 2018 and for disposal as per law.

Accordingly, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected Civil Miscellaneous Petitions, if any, are closed.

Index : Yes / No

Internet : Yes / No

sms 27.09.2018

T.RAVINDRAN, J.

sms

To

1.The II Additional labour Court, Chennai.

2.The Principal Labour Court, Chennai.

Pre-delivery Order made

in Transfer CMP.No. 619 of 2018

27.09.2018