

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2019

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

TR.CMP.NO.183 OF 2019

AND

CMP NO.5684 OF 2019

C.Ram Mohan

... Petitioner

Vs.

Bajaj Promoters Pvt. Ltd.,
Rep. by its Managing Director
Rajesh Bajaj
No.71/72, Pantheon Road,
Egmore, Chennai - 600 008.

... Respondent

PRAYER: Petition filed under Section 24 read with Section 151 of Code of Civil Procedure to withdraw C.M.A.No.80 of 2015 pending on the file of learned First Additional Judge, City Civil Court, Chennai and transfer the same before this Court to hear along with C.R.P.No.4919 to 4921 of 2014 on the file of this Court.

For Petitioner : Mr.R.Bhagawat Krishna

For Respondent : Mr.Karthik Seshadri

O R D E R

This Transfer Civil Miscellaneous Petition is filed by the petitioner seeking to withdraw C.M.A.No.80 of 2015 pending on the file of First Additional Judge, City Civil Court, Chennai and transfer the same to this Court to hear along with C.R.P. (PD) Nos.4919 to 4921 of 2014.

2. The petitioner is the plaintiff in the suit for injunction. He filed an interlocutory application vide I.A.No.13436 of 2013 to handover the original sale deed dated 31.10.2005 registered as Document No.2478/2005, on the file of SRO, Periamet. The respondent filed three interlocutory applications viz., (a) I.A.No.160 of 2014 - to impound the original sale deed document No.2478 of 2005 dated 31.10.2005;

(b) I.A.No.3147 of 2014-for interim injunction restraining the petitioner herein from alienating or encumbering the suit property; and (c) I.A.No.3148 of 2014 - to amend the counter claim in O.S.No.5303 of 2011. The Trial Court, by its order dated 06.11.2014, dismissed I.A.No.13436 of 2013 filed by the petitioner and allowed all the three interlocutory applications filed by the respondent. Against the order dated 06.11.2014, the petitioner preferred three Civil Revision Petitions before this Court vide CRP (PD) Nos.4919 to 4921 of 2014 and the same is pending. In so far as the order passed in I.A.No.3147 of 2014 is concerned, the petitioner has preferred an appeal before the First Additional Judge, City Civil Court, Chennai. Since all the Civil Revision Petitions as well as the appeal are arising out of the common subject, the petitioner seeks transfer of appeal in CMA No.80 of 2015 pending on the file of the First Additional Judge, City Civil Court, Chennai, to be disposed along with Civil Revision Petitions, which are pending before this Court.

3. Considering the facts and circumstances of the case and the parties to the dispute are one and same and the order passed in the Interlocutory Applications arose out of the same suit and in order to avoid multiplicity of proceedings, this Court is inclined to allow this Transfer Civil Miscellaneous Petition, for which, the respondent has also no serious objection.

4. Accordingly, CMA No.80 of 2015 pending on the file of First Additional Judge, City Civil Court, Chennai, is withdrawn and transferred to this Court, to be heard along with CRP (PD) Nos.4919 to 4921 of 2014.

5. The Transfer Civil Miscellaneous Petition is disposed of accordingly. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

TK

To

1.The First Additional Judge
City Civil Court
Chennai.

2.The Section Officer,
V.R.Section, High Court,
Chennai-104.

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3.The Chief Posting Clerk,
Judicial Department,
High Court, Chennai - 104

+1cc to Mr.R.Bhagawat Krishna, Advocate, S.R.No.39023

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CP(CO)

RRS (26/06/2019)



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