

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated: 27/3/2019
C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

Writ Petition No.9064 of 2019
a n d
W.M.P.No.9609 of 2019

Max Trade Limited
rep. By its Authorised Signatory
Mr.V.Venkatasubramanian

...Petitioner

Vs

1.The State of Tamil Nadu
rep. By its Secretary to Government
Law Department, Chennai 9.

2.The Registrar General
High Court of Madras
Chennai 104.

3.S.M.Apparels Private Limited
No.33, 2nd Street, Kamaraj Avenue
Near S.R.O, Adyar
Chennai 600 020.

4.Vijay Pai
Promoter & Director
No.33, 2nd Street, Kamaraj Avenue
Near S.R.O., Adyar, Chennai 600 020.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of declaration, declaring the Amending Act No.45 of 2018 as published in the Tamil Nadu Government Gazette Extraordinary bearing No.405 dated 13/12/2018, passed by the first respondent as illegal and ultra vires and consequentially strike it down as unconstitutional.

For petitioner : Mr.P.Muthusamy

For respondents : Mr.E.Manoharan
Additional Government Pleader
for R1.
Mr.T.Mohan
for R.R.3 and 4.

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O R D E R

(Order of the Court was made by S.Manikumar,J)

Petitioner has sought for a writ of declaration, declaring the Amending Act No.45 of 2018, as published in the Tamil Nadu Government Gazette Extraordinary, bearing No.405 dated 13/12/2018, passed by the first respondent, as illegal and ultra vires and consequentially to strike it down, as unconstitutional.

2. Act 45 of 2018, impugned in the instant writ petition, is reproduced:-

"1 (1). This Act may be called the Chennai City Civil Court (Amendment) Act, 2018.

(2). It shall come into force on such date as the State Government may, by notification, appoint.

2. In Section 3 - A of the Chennai City Civil Court Act, 1892, (hereinafter referred to as the principal Act), for the expression "ten lakhs of rupees", the expression "one crore rupees" shall be substituted.

3. In Section 4 of the Principal Act, in sub-section (2), for the expression "twenty-five lakh rupees", the expression "one crore rupees" shall be substituted.

4. All suits pending in the High Court on the date of commencement of this Act and which would be within the cognizance of the Chennai City Civil Court under the provisions of the principal Act, as amended by this Act, shall stand transferred to the Chennai City Civil Court."

3. Reasons assigned by the writ petitioner, on the prayer sought for, is that he is unable to record a Joint Compromise Memo, executed on 10th day of January 2019, between the petitioner and M/s. S.M.Apparels Private Limited and Mr.Vijay Pai, parties to the suit, in C.S.No.63 of 2012.

4. Petitioner has further contended that Act deserves to be quashed, as it takes away the pecuniary jurisdiction of the High Court. Added further, learned counsel for the petitioner submitted that despite Tamil Nadu Act No.45 of 2018, has come into force, from 13/12/2018, suits have not been transferred, to the City Civil Court and on the facts and circumstances of the case, parties in C.S.No.63 of 2012 are put to hardship.

5. None other grounds raised, merit consideration, for issuance of writ of declaration. On the plea that suits have not been transferred, despite coming into force of the

Notification, we requested the Registrar Judicial, High Court, Madras, to respond.

6. Registrar Judicial, High Court, Madras submitted that Suits are being transferred periodically and so far, 250 Civil Suits have been transferred to the City Civil Court. He further added that after transfer, notices would be sent to the parties to the suit, with specific dates of hearing.

7. Grievance of the petitioner in this writ petition is that a Joint Memo of Compromise, dated 10/1/2019, has been entered into between the parties, in C.S.No.63 of 2012, though filed, the same could not be recorded, despite the matter being listed before the learned Master, who directed the Registry, to post the same before the Court.

8. Grievance of the petitioner can be addressed, by directing the Registrar Judicial, to take steps, for transmitting the entire case papers, in C.S.No.63 of 2012, to City Civil Court, Madras. Registrar Judicial, High Court, Madras, is directed to transfer C.S.No.63 of 2012, to the City Civil Court, High Court, Madras, today itself.

9. Having regard to the intention of parties, to settle the disputes, by entering into a Joint Memo of Compromise, dated 10/1/2019, Registrar, City Civil Court, is directed to assign appropriate number to the suit (transferred) and list the matter, in the first week of April, 2019. Parties are at liberty to approach the Registrar, City Civil Court, Madras, for the date of hearing.

10. Receipt of Pay Order No.724269, dated 14/1/2019, drawn in favour of M/s. Trigon Marketing Pvt Ltd., is acknowledged by Mr.P.Muthusamy, learned counsel for the writ petitioner/plaintiff, in C.S.No.63 of 2012.

11. With the above direction, writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

सत्यमेव जयते
Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mvs

To

1. The Secretary to Government
State of Tamil Nadu
Law Department
Chennai 9.

2. The Registrar General
High Court of Madras
Chennai 104.
3. The Registrar (Judicial)
High Court, Madras.
4. The Registrar,
City Civil Court, Madras.

+2ccs to Mr.P.Muthusamy, Advocate, S.R.No.29070

Writ Petition No.9064 of 2019

RK(CO)

rrs 27/03/2019



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