

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.389 of 2019

Waterfront Owners Welfare Association,
represented by its Secretary,
No.37, Mettu Street,
Kazhipattur-603 103.

... Petitioner/Plaintiff

-vs-

1.The Ramaniyam Real Estates Private Limited,
(Previously known as Ramaniyam Homes Limited),
represented by its Director,
No.17/35, 2nd Main Road,
Gandhi Nagar, Adyar,
Chennai 600 020.

2.Waterfront Residents and
Owners Welfare Association,
represented by its Secretary,
No.17/35, 2nd Main Road,
Gandhi Nagar, Adyar,
Chennai-600 020.

.... Respondents

Prayer: Petition filed under Section 24 of C.P.C to withdraw the case in O.S. No.7 of 2017 pending on the file of the District Munsif, Chengalpet and transfer the same to the City Civil Court, Chennai and fix a time frame for the final disposal of O.S. No.7 of 2017.

For Petitioner : Ms.Inthu Karunakaran
For Respondents : Mr.S.Sundaresan

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O R D E R

Waterfront Owners Welfare Association, represented by its Secretary has come to this Court seeking transfer of the pending O.S. No.7 of 2017 from the file of the District Munsif Court, Chengalpet to the file of the City Civil Court, Chennai with a further direction to fix a time frame for disposal of the said O.S. No.7 of 2017.

2.Learned counsel appearing for the petitioner would submit that after filing of the Original Suit in O.S. No.7 of 2017 for permanent injunction restraining the first defendant, their men, servants, agents and representatives in any manner disconnecting or preventing from enjoying any of the facilities available in the suit schedule property to the members of the plaintiff Association, an interim application in I.A. Nos.23 and 25 of 2017 have been filed to appoint a Receiver to collect the maintenance to undertake the charge of maintenance, management and improvement of the community in suit schedule property and confer upon the Receiver all such powers as this Court thinks fit and proper and the said Application is pending for more than two years, namely, after completion of 30 hearings. According to the learned counsel appearing for the petitioner, on the first date of hearing itself, his counsel put forth his arguments in both the Interim Applications and insisted for interim injunction restraining the first respondent from disconnecting the facilities to the members of the petitioner Association by explaining the urgency, but only notice was ordered in both the applications. After serving the notice, though the respondents appeared through their counsels, they are keep on prolonging the case for some reasons or the other. Moreover, the matter has been posted once in three months and as a result, the members of the petitioner Association, being most of us are senior citizens, are fed up, after putting continuous effort to bring the case in short duration. As the District Munsif, Chengalpet is unable to proceed with the matter expeditiously appreciating the urgency placed by the petitioner, it is convenient for both the petitioner and respondents to conduct the pending case expeditiously, after the same being transferred to the file of the City Civil Court, Chennai.

3.Learned counsel appearing for the respondents would submit that the respondents are residing in Gandhi Nagar, Adyar and therefore, they may not have even any objection in transferring the suit to the City Civil Court, Chennai. Reiterating the averments made in the counter affidavit, learned counsel appearing for the respondents, would submit that since no Presiding Officer was appointed in the District Munsif Court, Chengalpet, the matter was adjourned for long time because additional charge was given to the another Presiding Officer. Since he was not able to give expeditious disposal, the matter has been pending for the last 2½ years due to the absence of the Presiding Officer and therefore, the petitioner cannot make any wrong allegation blindly without any basis. Therefore the prayer be refused, he pleaded.

4.As argued by both the learned counsel, since there was no Presiding Officer, the District Munsif Court, Chengalpet was not able to dispose of the matters expeditiously. It could be

seen that now new Presiding Officer has been appointed and therefore, the apprehension placed before this Court that the matter would be further delayed is totally untenable. However, taking note of the anxiety placed before this Court that the members of the petitioner association are finding it difficult to have the basic necessities of life, this Court hereby directs the District Munsif Court, Chengalpet to take up the matter and give expeditious disposal of the case within a period of seven months from the date of receipt of a copy of this order. Accordingly, the Tr.C.M.P. is disposed of. No costs.

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

Sub Assistant Registrar

vga

To

1.The District Munsif,
Chengalpet.

2.The City Civil Court,
Chennai.

Tr. C.M.P. No.389 of 2019

RV (CO)
GN (22/08/2019)

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