

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.No.57 of 2020 and
C.M.P. No.1750 of 2020

D.Rajan

...Petitioner

vs.

1.Nilesh Kumar Bhandari

2.M.Shanmugam

..Respondents

Transfer Civil Miscellaneous Petition filed under Section 24 read with 151 of C.P.C., to withdraw the case in O.S. No.191/2019 on the file of District Munsif, Madhavaram, Chennai - 600 060 and transfer the same to the file XVI Additional City Civilcourt, Chennai for the purpose of having joint trial along with O.S. No.2527 of 2019.

For Petitioner : Mr.R.Perumalswamy
For Respondent : Mr.R.Ganesh for R1

O R D E R

The petitioner herein has already come forward with a transfer civil miscellaneous petition in Tr.C.M.P. No.223 of 2019 for transferring O.S. No.148 of 2017 on the file of District Munsif Court, Thiruvottiyur (now re-numbered as O.S. No.191/2019 on the file of District Munsif, Madhavaram) to be tried along with C.S. No.124 of 2018 (now transferred to City Civil Court, Chennai, renumbered as O.S. No.2527/2019 and now pending on the file of XVI Additional City Civil Court, Chennai.). This court has already dismissed the said transfer civil miscellaneous petition, on 27.06.2019. Paragraph No.2 of the said order reads thus:

"2. There is no representation for the petitioner. Learned counsel appearing for the respondent would submit that C.S. No.124 of 2018, which has been re-numbered as O.S. No.2527 of 2019, is pending on the file of XVI Additional Fast Track Court, Chennai. Since the pleadings are completed in the said O.S. No.2527 of 2019, the same is ready for argument. But the pleadings in O.S. No.148 of 2017 pending on the file of the learned District Munsif, Thiruvottiyur are not completed and the written statement has been filed in the same and

therefore, the prayer of the petitioner be refused."

2. If at all the petitioner has any grievance, he should have restored the said transfer CMP on file and contested the same, without filing the present transfer civil miscellaneous petition, namely Tr.C.M.P. No.57 of 2020. In view of the same, this court is not inclined to grant the relief sought for, more particularly, when the pleadings are completed in O.S. No.2527 of 2019 and the same is ready for argument.

3. Accordingly, the transfer civil miscellaneous petition is dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

Sd/-
Assistant Registrar (C.S.VIII)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Munsif , Madhavaram, Chennai-60.
- 2.The XVI Additional Judge, City Civil Court, Chennai.
- 3.The District Munsif, Thiruvoottiyur.

+1 cc to M/s.R.Ganesh,Advocate Sr.No. 14951

AKM/19.03.2020/2P-5C /

Tr. C.M.P. No.57 of 2020 and
C.M.P. No.1750 of 2020

सत्यमेव जयते

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