

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 05TH DAY OF MARCH 2020

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A.No.941 of 2020
in
C.S.No.164 of 2011

C.S.No.164 of 2011

1.EIH Limited

An existing company within the meaning
of the Companies Act, 1956
and having its registered office at
4, Mangoe Lane,
Kolkata-700001
Rep. by its Authorised Signatory
Mr.Gautam Ganguly

2.Oberoi Hotels Pvt. Ltd.,

an existing company within the meaning of the
Companies Act,1956
and having its registered office
at 4, Mangoe Lane,
Kolkata-700001
Rep. by its Authorised Signatory
Mr.Gautam Ganguly

..Applicants/Plaintiffs

VS

1.Balaji Hotels & Enterprises Ltd.,
a company incorporated under the
Companies Act, 1956
and having its registered office at
365 (old No.267), Anna Salai,
Teynampet,
Chennai-600 018.
and corporate Office at 9,

Bazullah Road, T.Nagar,
Chennai-600 017.

2.Balaji Industrial Corporation Ltd.,
A company incorporated under the Companies Act, 1956
and having its corporate office
and carrying on business at
No.9, Bazullah Road, T.Nagar,
Chennai-600 017.

3.IFCI Ltd.,
a company incorporated under the
Companies act, 1956
and having its office at
Continent Towers, 142,
M.G.Road,
Chennai-600 034.

4.Tourism Finance Corporation of India Ltd.,
a company incorporated and existing
under the Companies Act, 1956
and having its registered office at
Tower 1, 4th Floor,
NBCC Plaza,
Pushp Vihar Sector 5,
Saket, New Delhi-110 017.

5.Robust Hotels Pvt. Ltd.,
a company incorporated under the
Companies Act, 1956 and
having its registered office at
365, Anna Salai,
Teynampet,
Chennai, Tamilnadu.

..Respondents/Defendants

Application praying that this Hon'ble Court be pleased to
retain/transfer the suit in C.S.No.164/2011 to this court, to be decided along
with Tr.C.S.No.108/2017 pending on the file of this Court.

This application coming on this day before this court for hearing the court made the following order:-

This application has been filed to retransfer the suit in C.S.No.164 of 2011 for disposal along with the suit in Tr.C.S.No.108 of 2017 jointly.

2. It is not in dispute that the suit in C.S.No.164 of 2011 was ordered to be tried jointly with suit in Tr.C.S.No.108 of 2017. When the matter stood thus, the suit C.S.No.164 of 2011 which was originally transferred to this Court again re-transferred to the City Civil Court on account of pecuniary jurisdiction. The suit in O.S.No.12159 of 2010 was ordered to be transferred to this Court, by an order dated 04.01.2017. It is to be noted that the above suit has been transferred to this Court to try along with C.S.No.164 of 2011 for disposal.

3. Now, it appears that C.S.No.164 of 2011 has been transferred to the City Civil Court, Chennai on account of pecuniary jurisdiction. As in both the matters common evidence was recorded and the parties are also one and the same and a sum of Rs.15.12 Crores has been deposited in the credit of Tr.C.S.No.108 of 2017, this Court is of the view that both suits have to be tried together irrespective of the pecuniary jurisdiction issue. Hence, the suit sought to be transferred is ordered to be retransferred to this Court for disposal.

4. Accordingly, the City Civil Court is directed to re-transfer the suit in C.S.No.164 of 2011, before this Court along with the connected records. If the bundle has not been transferred, the Registry is directed to retain the bundle and on such transfer, both suits shall be placed before the Commercial Division Bench for disposal.

Sd/.N.S.K.J.
05.03.2020

//Certified to be a true copy//

Dated this the day of 2020.

SU/12.03.2020

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.

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