

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 02.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.No. 964 of 2019

The Madras Pinjrapole,
represented by its Honorary Secretary,
Sri Vittal Dass Jagannath Dass

..Petitioner

vs.

Dayasadhan,
represented by its Secretary
Sr.Hari Krishna Jhaver,
having office at No.373,
Konnur High Road, Otteri,
Chennai 600 012

...Respondent

Tr.C.M.P. filed under Section 24 (1) of C.P.C., to
withdraw the proceedings in RCA.No.884 of 2006 on the file of
the VII Small Causes Court and transfer the same to any other
competent court.

For Petitioner : Mr.D. Parventhan
For Respondent : No appearance

O R D E R

The Petitioner, who is having office at Chennai, has
come up with this Petition seeking transfer of RCA.No.884 of
2006 from the file of the VII Small Causes Court to any other
competent court.

2. According to the Petitioner, the petitioner/landlord
filed RCOP.No.722 of 2005 before the X Small Causes Court
against the respondent herein for fixation of fair rent and
the same was allowed by the Rent Control Court, against which,
the respondent preferred appeal before the VII Small Causes
Judge, Chennai. Since the respondent did not appear, the Rent
Control Appellate Authority dismissed the appeal on 23.3.2018
for default and confirmed the order passed in RCOP by the
Rent Control Court and by virtue of the said order, the
respondent is liable to pay Rs.4.62 crores to the petitioner
till February 2019. Thereafter, after one and half years,
the respondent filed petition to restore the appeal.

3. Learned counsel for the petitioner would submit that
the appellant has been set exparte and the appeal was
dismissed for default and subsequently, the respondent has

restored the same twice a time. Now the respondent has filed a petition to restore the appeal along with application to condone the delay petition. The case was posted for arguments on several hearings and the learned VII Small Causes Judge has shown prejudice and bias towards the petitioner and gave several hearings of adjourning the case. Hence he seeks for withdrawal of RCA.No.884 of 2006 from the file of VII Small Causes Court and transfer the same to any other competent Court.

4. Heard the learned counsel for the Petitioner. None appears on behalf of the Respondent in spite of his name printed in the cause list, after service.

5. There is nothing on record to suspect the bonafides in filing this Transfer Petition. I am therefore of the view that the Transfer Petition deserves to be allowed.

6. In the result, the proceedings in RCA.No.884 of 2006 is withdrawn from the file of the VII Small Causes Court, Chennai and is transferred to the file of VIII Small Causes Court, Chennai. The VIII Small Causes Judge, Chennai is expected to conclude the Rent Control Proceedings, as expeditiously as possible, without adjourning the matter beyond 45 working days at any point of time, to bring the issue to a logical end.

7. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

(msr)

To :

1. The VII Judge, Small Causes Court, Chennai
2. The VIII Judge, Small Causes Court, Chennai

+1cc to M/s.S.Deepika , Advocate SR.No. 73

Tr.C.M.P.No.964 of 2019

kk

A.SK(20/02/2020)