



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Tr.C.M.P. (MD) No.189 of 2020

and C.M.P. (MD) No.3797 of 2020

WEB COPY

Suseela

... Petitioner

-vs-

1.Allavudin

2.Jimman Begum

... Respondents

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw R.C.O.P.No.45 of 2018 pending on the file of the Additional District Munsif Court, Madurai Town and to transfer the same to the file of the Principal District Munsif Court, Madurai Town to be tried along with O.S.No.523 of 2016, O.S.No.269 of 2018, O.S.No.403 of 2018.

For Petitioner : Mr.R.G.Shankar Ganesh

O R D E R

There are atleast two suits between the parties, one filed by the petitioner in O.S.No.523 of 2016 another by her son in O.S.No.403 of 2018, both of which are filed seeking an injunction against the respondents that the possession of the suit property should not be disturbed except by a due process of law. The respondent in turn has filed O.S.No.269 of 2018 for eviction of the petitioner on the ground that the petitioner is a mere licensee of the suit property.

2.Be that as it may, the petitioner herself has filed R.C.O.P.No.45 of 2018 before the Rent Controller (Additional District Munsif Court), Madurai. In the said Rent Control proceedings under Section 8(5) of the Tamil Nadu Building Lease and Rent Control Act, the petitioner is a tenant under the respondent.

3.This Court expresses its view to the learned counsel for the petitioner that while the three suits have been tried together, the Rent Control Proceedings under Section 8(5) of the said Act cannot be tagged as the nature of the proceedings as cause of action is entirely different.

4.At this juncture, the learned counsel for the petitioner volunteered to withdraw the matter. Since this is Covid time this Court acts on the statement of the learned counsel for the petitioner. Accordingly, this Transfer Civil Miscellaneous Petition



is dismissed as withdrawn. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

WEB COPY

/ /2020

Sub Assistant Registrar(CS)

gns/CM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

The Additional District Munsif Court, Madurai Town

Tr.C.M.P. (MD) No.189 of 2020
19.08.2020

KK(28.08.2020) 2P 2C