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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Tr.CMP(MD) .No.469 of 2019

and C.M.P(MD) No.10891 of 2019

Dhanasamy

...Petitioner/Respondent

-vs-

Jafar Sathick

...Respondent/ Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw R.C.O.P.No.8 of 2017 on the file of the District Munsif Court(Rent Controller), Pudukottai and transfer the same to the file of the Additional Sub Court, Pudukottai to be tried along with O.S.No.122 of 2013.

For Petitioner : Mr.A.V.Rajasekaran
For Respondent : Mr.D.Sadiq Raja

ORDER

The present petition is filed to withdraw R.C.O.P No.08 of 2017 now pending on the file of the Rent Controller, District Munsif Court, Pudukkottai to the Additional Subordinate Court, Pudhukottai, where a suit for specific performance preferred by the petitioner in O.S.122 of 2013 is pending.

2. The brief facts are that according to the petitioner, the suit property belong to a third party, under whom he was a tenant and there was an oral agreement dated 02.01.2013 for sale of the said property enforcing which, he has laid O.S. 122 of 2013. In the meantime, the owner/lessor of the property had sold the property to the respondent herein, on the strength of which, the respondent has laid R.C.O.P No. 08 of 2017 for eviction.

3. The learned counsel for the petitioner submitted that subject matter of the litigation in both the suits are same and that the litigations are essentially involving the rights of the parties, who are also the same in both the suits.

4. Opposing the same, the learned counsel for the respondent submitted that the rent control proceedings and civil suit have different character and the matter pending in a designated court cannot be transferred to the Subordinate Court, which is the designated court/Appellate Court under the Rent Control Act. If the rent control petition is transferred to the Sub Court, the parties would loose the right of appeal since there is no further appeal provided under the Rent Control Act.

5.This Court finds merit in the submissions of the learned counsel for the respondent. Accordingly, this Court does not find



any merit in this petition and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (crl.side)

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Sub Assistant Registrar(CS)

CM/tsg

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To

The District Munsif,
District Mundif Court (Rent Controller),
Pudukkottai.

KB(23.07.2020) 2P 2C