

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

**C.R.P. (NPD) No. 471 of 2018
and CMP No. 2494 of 2018**

A. Kamali

Petitioner

Vs

1. Prabhu Ananthan
represented by his power agent
P.Senthilumar

2. P.Senthilumar

3. J.Mumtaz Begum
M/s.Majestic Xerox

4. M/s.Poorvika Mobiles Private Ltd.,
No.53/33, R.K.Mutt road,
Mylapore, Chennai – 600 004.

5. M/s.Whatson India Media Private Limited,
No.53/33, R.K.Mutt Road,
Mylapore, Chennai – 600 004.

6. Saravanan

Respondents

Prayer :- Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure to set aside the fair and decreetal order dated 05.12.2017 made in Transfer O.P.No.23 of 2017 on the file of the Principal Judge, City Civil Court, Chennai.

For Petitioner : Mr.S.Thirumavalavan
For R1 & R2 : Mr.P.Kamarasu
For R3 to R6 : No appearance

ORDER

This Civil Revision Petition is filed against the fair and decreetal order dated 05.12.2017 made in Transfer O.P.No.23 of 2017 on the file of the Principal Judge, City Civil Court, Chennai, thereby dismissing the petition filed to transfer the suit from the file of the V Assistant Judge, City Civil Court, Chennai to the file of the IV Additional Judge, City Civil Court, Chennai.

2. The petitioner filed a suit in O.S.No.4001 of 2016 for bare injunction on the file of the V Assistant Judge, City Civil Court, Chennai, in respect of the suit property. She filed a petition in I.A.No.9905 of 2016 for interim injunction and the same was granted in her favour. Initially, the interim injunction was granted and subsequently it was dismissed. Aggrieved by the same, she also preferred a Civil Miscellaneous Appeal and it is pending. She also filed a suit for partition and declaration of the settlement deed as null and void in O.S.No.6041 of 2016 on the file of the IV Additional Judge, City Civil Court, Chennai. Therefore, the petitioner filed a petition for transfer of

the suit filed by her for permanent injunction to be clubbed with the partition suit.

3. Admittedly, in both the suits, the suit property is one and the same. Further the petitioner alleged that the Court below hurriedly framed the issues and fixed the time for trial. These are all the grounds cannot be considered for transfer of the suit. Therefore, the Court below rightly dismissed petition.

4. In view of the above, this Court finds no infirmity or illegality in the order passed by the Court below. Accordingly, the Civil Revision Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed.

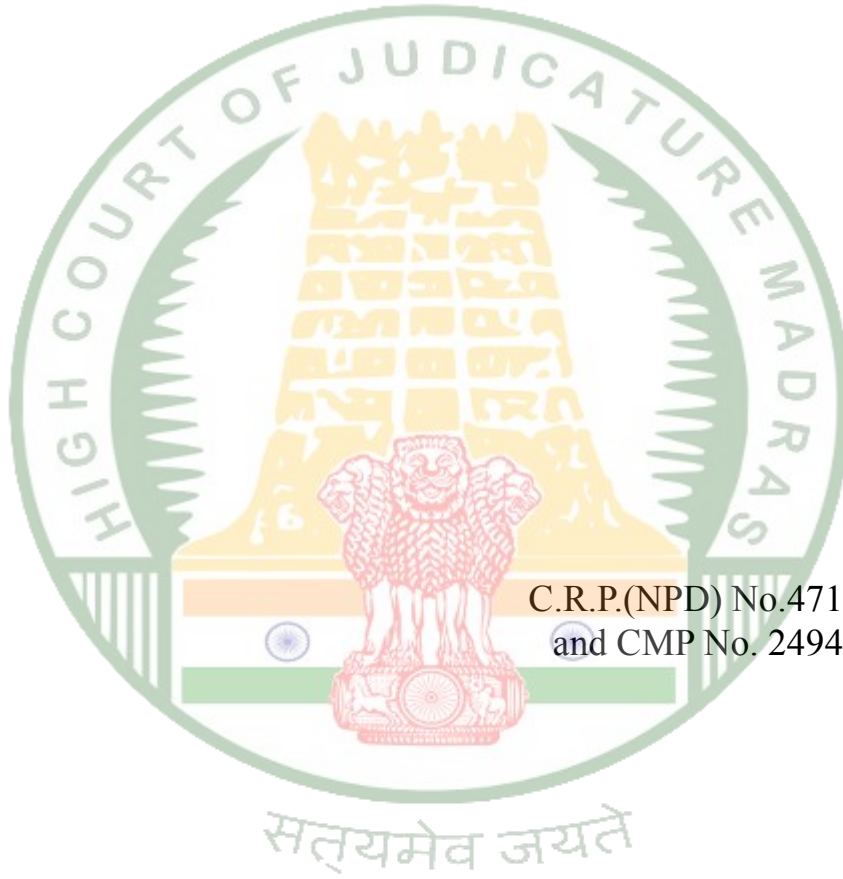
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Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No

To
The Principal Judge,
City Civil Court, Chennai.

G.K.ILANTHIRAIYAN.J,

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