



WEB COPY

Tr.C.M.P.No.1170 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.1170 of 2022

and

C.M.P.No.19994 of 2022

1. R.Shravan Narayan

2. P.Mohana

.. Petitioners

VS

S.Swaminathan

.. Respondent

Prayer: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to pass an order withdrawing the case in O.S.No.6309 of 2021 on the file of the learned XX Assistant City Civil Court, Chennai and to transfer to the file of the learned Sub Court, Alandur.

For Petitioner : Mr.R.Ragavendran

For Respondent : Mr.P.Joseph



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ORDER

The transfer application is filed to transfer O.S.No.6309 of 2021 pending on the file of the learned XX Assistant City Civil Court, Chennai to learned Sub-Court, Alandur.

2. The learned counsel appearing for the petitioners mainly contended that the respondent / defendant raised an objection regarding the maintainability of the suit on the ground of territorial jurisdiction. The contention raised in the written statement is that the cause of action arose in Chengalpattu District falls within the territorial jurisdiction of the Court at Alandur, Chennai. Such objection was raised and in order to award rejection of suit merely on the ground of jurisdiction, the petitioner filed the present transfer application to transfer the case to Sub-Court, Alandur for effective adjudication of the issues on merits and in accordance with law.

3. Though the respondent / defendant raised the maintainability of the suit in the written statement, the suit has now been posted for trial, more specifically for D.W.1 cross. The learned counsel for the respondent



admitted the fact that the jurisdiction point has been raised in the written statement and it is yet to be decided by the Trial Court. Considering the facts and facilitating the parties to the suit to adjudicate the suit on merits and in accordance with law, this Court is inclined to consider the petition.

4. All suits are to be tried on merits. When there is a doubt regarding the jurisdiction and now the learned counsel for the petitioners states that the Sub Court, Alandur would be the jurisdictional Court, the case is to be transferred.

5. Accordingly, O.S.No.6309 of 2021 pending on the file of the learned XX Assistant City Civil Court, Chennai District stands transferred to the learned Sub Court, Alandur, Chengalpattu District.

6. Learned XX Assistant City Civil Court, Chennai is directed to transmit the case papers within a period of four weeks from the date of receipt of a copy of this order.



7. Accordingly, the transfer petition stands allowed. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

21.12.2022

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Index : Yes / No

Speaking order / Non-speaking order

To

1. The XX Assistant City Civil Court, Chennai.

2. The Sub Court, Alandur.



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S.M.SUBRAMANIAM, J.

(drm)

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