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Tr.C.M.P.No.26 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.26 of 2023

and

C.M.P.Nos.912 & 913 of 2023

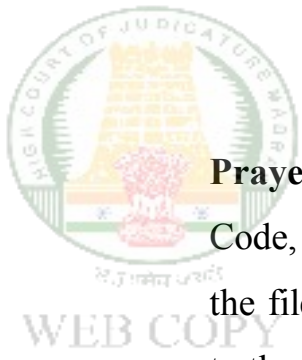
RMC Travellers INN Pvt.Ltd.,
Represented by its Director,
M.Health Tito, Residing at No.501-A,
RMC House, Nalco Colony, North Street,
Kottivakkam, Chennai – 41.

... Petitioner

Vs.

1.Mohamed Saleem
2.S.Sivaraj @ Sivaji
3.K.Delli Achari
4.D.Shankar
5.R.K.Devendran
6.Mohana
7.Suseela
8.Chitra
9.Smt.Siron Mani
10.K.Gopal @ K.Nandhagopal
11.N.Thavya Shankar
12.N.Dhanasekaran
13.N.Mithran
14.D.Sangeetha
15.Smt.Malleshwari @ Mallika

... Respondents



Prayer: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to order withdrawal of the suit in O.S.No.5930 of 2022, pending on the file of XIII-Asst Judge, City Civil Court, Chennai and transfer the same to the file of V-Asst Judge, City Civil Court, Chennai to be tried jointly along with the O.S.1409 of 2017, pending on the file of V-Asst Judge, City Civil Court, Chennai and disposal of both the suits jointly in accordance with law and thus render justice.

For Petitioner : Mr.E.Prabu

ORDER

The present Transfer Civil Miscellaneous Petition is filed to transfer O.S.No.5930 of 2022 pending on the file of the XIII-Assistant City Civil Court to V-Assistant City Civil Court, Chennai to be tried along with O.S.No.1409 of 2017.

2. The transfer is sought for from one City Civil Court, Chennai to other City Civil Court, Chennai and therefore, the Principal Judge, City Civil Court, Chennai is competent and having jurisdiction to consider the transfer applications under the Code of Civil Procedure.



3. The powers conferred on the Principal Judge need not be usurped by the High Court unnecessarily and therefore, the petitioner has to approach the Principal Judge, City Civil Court, Chennai for redressal of their grievances. Accordingly, the petitioner is at liberty to approach the Principal Judge, City Civil Court, Chennai, for transfer of suit in one City Civil Court to another City Civil Court at Chennai.

4. With this liberty, the Transfer Civil Miscellaneous Petition in TR.CMP.No.26 of 2023 stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

20.01.2023

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Index : Yes

Speaking order: Yes

Neutral Citation: Yes

To

1. The XIII Assistant Judge,
City Civil Court, Chennai.

2. The V Assistant Judge,
City Civil Court, Chennai.

3. The Principal Judge,
City Civil Court, Chennai.



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S.M.SUBRAMANIAM, J.

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