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Tr.CMP.No.179 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2023

CORAM:

THE HONOURABLE MRS.JUSTICE **T.V.THAMILSELVI**

Tr.CMP.No.179 of 2023 and

CMP.No.3982 of 2023

The Congregation of the Sisters of Our Lady of Seven Dolours

Angels's Thope, TVS Tollgate,

Pudukottai Road,

Tiruchirapalli 620 020

Rep. by Sr.Joseph Lucia

... Petitioner

Vs.

- 1.The Government of Tamilnadu,
Rep. by its Commissioner and Secretary,
Revenue Department,
Madras-9
- 2.The Commissioner of Land,
Administration and Settlements,
of Estate, Chepauk,
- 3.The Chief Engineer(Highways),
Madras-5



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4.The Superintending Engineer,
National Highways and Rural Works,
5, Tollgate, Thiruchirapalli – 20

5.The Divisional Engineer,
National Highways and Rural Works,
5, Tollgate, Thiruchirapalli – 20

... Respondents

PRAYER:

Transfer CMP is filed under Section 24 of CPC to withdraw the suit in OS.No.6414 of 2022 pending on the file of the XIV Assistant City Civil Court at Chennai and transfer the same to the II District Court, Trichy to be tried along with OS.No.266 of 2019.

For Petitioners : Mr.T.Francis Edmund

For Respondent : Mr.M.R.Gokul Krishnan,
Additional Government Pleader

ORDER

This transfer CMP has been filed to withdraw the suit in OS.No.6414 of 2022 pending on the file of the XIV Assistant City Civil Court at Chennai and transfer the same to the II District Court, Trichy to be tried along with OS.No.266 of 2019.



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Mr.M.R.Gokul Krishnan, Additional Government Pleader appeared for the respondents and submitted that for territorial jurisdiction, they want to transfer the matter, but they have no objection.

3. On perusal of records, in the year 1987, the suit was filed on original jurisdiction before this Court and it was taken on file as CS.No.993 of 1987. Thereafter, the matter was transferred to City Civil Court, Chennai. Now, the suit is ripe for trial and they want to transfer the matter to Trichy court since because, immovable property which is the subject matter of the suit situated at Trichy District.

4. Now as per the contention of the petitioner, the suit property is within the jurisdiction of the Trichy district and they want to transfer. All these years, the suit was represented by the plaintiff who are also well educated and reason assigned by them also not acceptable one. It is unbelievable that they were not aware of that the suit has to be filed within the jurisdiction of the Trichy district where immovable property is situated. Further, on perusal of the court fee column, the guideline value of the property valued for 1340 sq.ft and



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they have not justified with proper document for the valuation of the property also. Since because the suit property is concerned with Trichy district, the learned District Judge is directed to verify the valuation of the property with necessary document and if at all any additional court fee requires, he has to pass order as per the manner known to law provided the defendants are also served with notice and the defendants should appear before the trial court by representing the Government Pleader.

5. With that direction, the suit in OS.No.6414 of 2022 is withdrawn from the file of the XIV Assistant City Civil Court at Chennai and transferred to the file of the II District Court, Trichy. The XIV Assistant City Civil Court at Chennai is directed to send the entire case bundle to II District Court, Trichy within a period of two weeks. The learned II District Court, Trichy is directed to take up the case on file and to give notice to both the parties and proceed with the matter as per the manner known to law by following the guidelines. This court also suspect that there must be delaying tactics with regards to the property said to be belongs to the State. Therefore, the Government counsel appearing for the respondents should be more vigilant and contest the case on merits.



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6. With the above directions, this transfer CMP is disposed of.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

06.04.2023

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order
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T.V.THAMILSELVI, J.

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To

- 1.The XIV Assistant City Civil Court at Chennai
- 2.The II District Court, Trichy
- 3.Commissioner and Secretary,
Revenue Department,
Madras-9
- 4.The Commissioner of Land,
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of Estate, Chepauk,
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