



C.M.P.No.19492 of 2023
in C.R.P.No.3485 of 2016

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V.LAKSHMINARAYANAN,J.,

C.M.P.No.19492 of 2023 has been filed seeking for transfer of I.A.No.10929 of 2000, to be heard along with A.S.No.151 of 2012 now pending before I Additional City Civil Court, Chennai.

2. I.A.No.10929 of 2000 is an application for mesne profits as per the decree passed by the learned V Assistant Judge, City Civil Court, Chennai in O.S.No.6994 of 1972.

3.If I were to transfer in exercise of the powers vested in this Court, then the right of appeal of any party who suffers the mesne profit decree might be curtailed. The decree for mesne profits is also an appealable decree in terms of Section 96 r/w Section 2(12) and Order 20 Rule 12 of CPC. Therefore, I am not inclined to order the transfer. However, the matter having been pending for more than 51 years before the Court, it would be better if the litigation sees the end early. Therefore, I request the learned V Assistant Judge, City Civil Court, Chennai, to take up I.A.No.10929 of 2000 and dispose of the said application



within a period of eight weeks. I make it clear that if the learned Judge comes to a conclusion that any of the parties are trying to drag on the matter, then he is given absolute discretion to proceed with the matter and enter upon the judgment at the earliest. The said application will be disposed of on or before 24.11.2023.

4. Mr.K.Ashok Chakravarthy, who is the Receiver as well as the Advocate Commissioner in this case, submits that pending the application before the V Assistant City Civil Court, Chennai, he appointed an Engineer for the purpose of determining the mesne profits. He reports that Mr.K.Janarthanan had paid Rs.3,500/- and Mr.Rajendran did not pay the said amount. Therefore, the valuation by Engineer could not be completed.

5. Mr.T.M.Hariharan, learned counsel for the petitioners represents that the balance of Rs.3,500/- which has to be paid, will be borne by his client. On this amount being paid, the Advocate-Receiver is requested to complete the task and file a report before the learned V Assistant Judge, City Civil Court, Chennai, within a period of two weeks from the date of payment.



6. The learned V Assistant Judge, City Civil Court, Chennai, shall give priority to this litigations and submit a report to this Court that he has completed the proceedings, on 29.11.2023.

7. With the above directions, C.M.P.No.19492 of 2023 is disposed of.

26.09.2023

vkr

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Note: Issue order copy on today i.e., 26.09.2023



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