



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.1073 of 2022

S.Kumari

.. Petitioner

vs

1. K.S.Vishnu Prasad

2. The Sub Registrar

Kundrathur Sub Registrar Office
Kundrathur, Chennai – 600 069.

3. H.Nirmala

4. The District Registrar

District Registrar Office
Kancheepuram District.

.. Respondents

Prayer: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the O.S.No.66 of 2021 pending on the file of Hon'ble District Judge II at Kancheepuram and to transfer the same before City Civil Court, Chennai and within a time frame fixed by this Hon'ble Court to dispose of the above suit.

For Petitioner : Mr.T.Karunakaran

For Respondent : Mr.V.Manohar
for respondent 1

No Appearance
for respondents 2 to 4



ORDER

The transfer petition is filed to withdraw the O.S.No.66 of 2021 pending on the file of the learned District Judge II at Kancheepuram and to transfer the same before City Civil Court, Chennai.

2. The petitioner is the plaintiff in the suit for declaration and injunction in O.S.No.66 of 2021, now pending on the file of the District Court II, Kancheepuram. The present transfer petition is filed seeking for transfer of the suit from the District Court II, Kancheepuram to the City Civil Court, Chennai.

3. It is not in dispute that the suit schedule property is situated within the territorial jurisdiction of the District Court II, Kancheepuram and thus, the suit was instituted rightly by the petitioner. The learned counsel for the petitioner mainly contended that the District Court II, Kancheepuram adjourned the matter on several occasions and as of now, the interlocutory application was heard by the District Court, Kancheepuram and not yet disposed of, however, the issues are to be framed in the suit and to be adjudicated.



4. The grievance of the petitioner is that the interlocutory application is yet to be disposed of and the matter has been adjourned indefinitely on several occasions. The learned counsel for the petitioner states that the orders were reserved in the interlocutory application on several dates from the year 2021 onwards and the orders are yet to be pronounced. However, it is contended that there is no Judge in the District Court II, Kancheepuram as of now. In such an event, an In-charge Judge is posted for the purpose of hearing the matters and to give priority to the cases where there is urgency. The District Court I at Kancheepuram is functioning as of now. If at all there is any urgency or otherwise, the parties are at liberty to place the facts and circumstances before the Court concerned, contrarily, transfer petition cannot be a solution for resolving such issues.

5. The ground on which the transfer of the suit is sought for is not sound enough to consider the relief. Mere non-disposal of the interlocutory application by the District Court II, Kancheepuram cannot be a ground to transfer the case. The other Court has been designated as In-charge Court for the District Court II, Kancheepuram. Therefore, the petitioner has to place his grievances before the Court concerned, contrarily, transfer petition cannot be



entertained. In the event of transferring the suit in such a manner, every party will come up with an application seeking transfer at their choice, which would cause prejudice to the interest of the parties and more so, would cause inconvenience to the Courts in dealing with the suits.

6. Thus, this Court is not inclined to consider the transfer petition and accordingly, the transfer petition stands dismissed. There will be no order as to costs.

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation: Yes/No
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25.01.2023

To

1. The District Judge II at Kancheepuram.
2. The City Civil Court, Chennai.



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Tr.C.M.P.No.1073 of 2



S.M.SUBRAMANIAM, J.

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Tr.C.M.P.No.1073 of 2022

25.01.2023