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Tr.C.M.P.No.190 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.190 of 2024 and
C.M.P.No.3729 of 2024

T.Thangamma Mathew

... Petitioner

Vs

1.M/s.Reliance Infratel Ltd.,
a company incorporated under the
Provision of Companies Act 1956,
Rep. By its Managing Director
Registered office, H' Block, 1st Floor,
Dhirubhai Ambani knowledge City,
Navi Mumbai 400 710 having
Circle office at No.6 Haddows Road,
Nungambakkam, Chennai – 600 006.

2.The Manager,
Reliance Infratel Ltd.
Reliance House,
No.6, Haddows Road,
Nungambakkam,
Chennai – 600 006.

... Respondents

Prayer : Petition filed under Section 24 of the Code of Civil Procedure
praying to withdraw O.S.No.6842 of 2021 pending on the file of the
XXIV Assistant Judge City Civil Court at Chennai and transfer the same
to Commercial Court, Thiruvallur.

For Petitioner : Mr.S.Mukunth, Senior Counsel
for Mr.P.Kannan

For Respondents : Mr.R.Naveen Srinivasan
for Mr.J.Ravikumar



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ORDER

Suit O.S.No.6842 of 2021 has been filed to vacate the suit schedule property and take vacant possession.

2. Summons were served on the defendants and the defendants took a specific stand that City Civil Court, Chennai does not have territorial jurisdiction and the appropriate jurisdiction is where the property situated. Both sides agreed that the property situated within the jurisdiction of the District Court at Thiruvallur. Since this defence was taken, the plaintiff has filed the transfer petition.

3. Heard Mr.S.Mukunth representing for Mr.P.Kannan for the petitioner and Mr.R.Naveen Srinivasan representing for Mr.J.Ravikumar for the respondents.

4. Mr.R.Naveen Srinivasan would submit that P.W.1 has been examined and it is posted for further evidence on the side of the plaintiff. Therefore he would state that the case need not be transferred.



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5. The power of transfer under Section 24 is wide and can be utilized at any stage of the proceedings, even at the stage of judgment.

The defendants themselves had wanted the proceedings to be tried before the Court at Thiruvallur. It is only thereafter taking into consideration the plea of the defendants, that this Tr.C.M.P. has been filed by the plaintiff. Therefore, the argument of the defendants that the proceedings has to be tried only before a Court which has no territorial jurisdiction cannot stand a moment scrutiny.

6. Consequently, taking into consideration the defence in the written statement as well as to the fact that the properties situated within the jurisdiction of the District Court in Thiruvallur, the present suit O.S.No.6842 of 2021 pending on the file of the XXIV Assistant Judge, City Civil Court, Chennai is transferred to the file of the Commercial Court at Thiruvallur to be heard and disposed of in accordance with law.

7. Accordingly, the Tr.C.M.P. is allowed. No costs. Consequently, connected miscellaneous petition is closed.

05.04.2024

Index : Yes/No

Neutral Citation : Yes/No

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V. LAKSHMINARAYANAN, J.

Sgl

To

- 1.The XXIV Assistant Judge,
City Civil Court, Chennai
- 2.The Commercial Court at Thiruvallur.

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05.04.2024