



Tr.CMP.No.731 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2024

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Tr.CMP.No.731 of 2024

and

C.M.P.No.16202 of 2024

Dr.Aathi Jothi Babu

.. Petitioner

Vs.

1.M/s.North East Construction,
Rep by its Proprietor,
R.P.S.Mahendhiran,
S/o.R.P.Shankar,
No.6/119, 2nd Floor,
Medavakkam Tank Road,
Ayanavaram, Chennai – 600 023.

2.R.Vinoth

3.J.Savitha

4.R.Krishnamoorthy

.. Respondents



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Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the suit in O.S.No.491 of 2022 from the file of the learned Principal District Court, Chengalpet and to transfer the same to the file of Commercial Court which is functioning within the district of Chengalpet for proper adjudication.

For Petitioner : Mr.P.L.Narayanan
for Mr.A.Thiyagarajan

ORDER

This petition has been filed seeking to withdraw O.S.No.491 of 2022 on the file of learned Principal District Court, Chengalpet and to transfer the same to the file of Commercial Court, Chengalpet.

2. It is submitted by the learned counsel for the petitioner that the respondent has filed O.S.No.491 of 2022 on the file of Principal District Court, Chengalpet for specific performance of the Joint Venture Agreement dated 15.12.2019 and for a direction to pay cost of construction and other reliefs as per the registered agreement. It is further submitted by the learned counsel for the petitioner that the dispute between the parties is commercial in nature and thereby as per Section 2(xi) of the Commercial Courts Act,



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2015, the suit should have been filed before the Commercial Court.

However, the Civil Court has entertained the suit and numbered as O.S.No.491 of 2022 on the file of the learned Principal District Judge, Chengalpet, consider the same the petitioner sought for transferring O.S.No.491 of 2022.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. The petitioner who is defendant in O.S.No.491 of 2022 stated to have filed an Interlocutory Application before the Principal District Court, Chengalpet, specifically stating that the said Civil Court has no jurisdiction. It is further submitted by the learned counsel for the petitioner that inspite of informing that the Principal District Court, Chengalpet has no jurisdiction, no steps have been taken to return O.S.No.491 of 2022.

6. Since it is alleged by the petitioner that Principal District Court, Chengalpet, has no jurisdiction to entertain O.S.No.491 of 2022, this petition is disposed of at the admission stage itself, with a liberty to the



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petitioner to file an Interlocutory Application in O.S.No.491 of 2022 on the file of the learned Principal District Judge, Chengalpet seeking to return the plaint, to file it before the appropriate Commercial Court. On filing of such application by the petitioner, the learned Principal District Judge, Chengalpet is directed to consider the same by giving notice to both the parties and dispose of the same as quickly as possible not later than 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected CMP is closed.

05.08.2024

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No
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Note: Issue Order Copy on 07.08.2024



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WEB COPY To

1. The Principal District Court, Chengalpet.
2. The Commercial Court, Chengalpet.



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D.NAGARJUN, J.

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