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Tr.C.M.P.No.877 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.877 of 2024
and C.M.P.No.19321 of 2024

1. Trishla
Rep. by its Partner,
Vinod Kumar S.Savla
 2. Vinod Kumar S.Savla
 3. Kiran Kumar S.Savla
 4. Sharat Kumar S.Savla
- .. Petitioners

Versus

K.R.Parthiban

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw and transfer R.L.T.A.No.80 of 2024 pending on the file of the IV Additional City Civil Court, Chennai to the file of the Principal Judge, City Civil Court, Chennai or to any other Additional City Civil Court.

For Petitioners : Mr.S.Suresh Kumar

For Respondent : Mr.M.Balasubramanian

ORDER



Tr.C.M.P.No.877 of 2024

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This Transfer Civil Miscellaneous Petition seeks for transfer of R.L.T.A.No.80 of 2024 on the file IV Additional City Civil Court, Chennai to any other City Civil Court at Chennai.

2. The grievance of the petitioner is that despite the fact that an order of eviction was passed by the XI Court of Small Causes in R.L.T.O.P.No.491 of 2023, the IV Additional Judge dismissed the stay application. In paragraph No.5 of the affidavit, the petitioners would allege that their Counsel was ready to proceed with the matter. Despite the same, the learned Judge vacated the stay granted.

3. When the petition came up for admission on 03.09.2024, I requested Mr.S.Suresh Kumar, learned Counsel for the petitioners to serve notice on the Counsel who appears for the respondent in the Court below.

4. Mr.M.Balasubramanian, learned Counsel appears for the respondent. He states that the appeal itself is ripe for disposal as the records have been received. He further adds that he has no objection if the



Tr.C.M.P.No.877 of 2024

WEB COPY

proceedings are transferred to any other Court other than the I and II Additional City Civil Court as those Courts are inundated with other work.

5. Both sides would agree that they argue the appeal before the II Additional City Civil Court, Chennai.

6. Taking into consideration the no objection that has been tendered by Mr.M.Balasubramanian and also the fact that the dismissal of the stay application has created apprehension in the minds of the petitioners, I am inclined to accept the transfer.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. R.L.T.A.No.80 of 2024 is withdrawn from the IV Additional City Civil Court, Chennai and transferred to the II Additional City Civil Court, Chennai. The IV Additional Judge shall transfer the papers and records to the II Additional Judge immediately after receipt of this order. The learned II Additional Judge shall give priority to the appeal and dispose it of without granting any unnecessary adjournments to either parties within a



Tr.C.M.P.No.877 of 2024

WEB COPY

period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

27.09.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The IV Additional Judge,
City Civil Court,
Chennai.
2. The II Additional Judge,
City Civil Court,
Chennai.



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Tr.C.M.P.No.877 of 2024

V.LAKSHMINARAYANAN, J.

grs

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27.09.2024