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Tr. CMP No.1350 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr. CMP No.1350 of 2024
and C.M.P.No.29143 of 2024

P.Praveen Kumar

.. Petitioner

Versus

1.M.R.Devandran

2.The Brance Manager,

Union Bank of India,

J.S.Shalini Commercial Complex,

Chennai-600 099.

.. Respondents

Prayer : Transfer Petition filed under Section 24 of the Code of Civil Procedure to permit the petitioner to withdraw the case in O.S.No.802 of 2021 pending on the file of XIII Assistant City Civil Court, Chennai and transfer the same to the District Munsif cum Judicial Magistrate Court, Madhavaram, Tiruvallur District.

For Petitioner : Mr.P.M.Navaneetha Pandian

ORDER

This transfer petition seeks to withdraw O.S.No.802 of 2021 on the file of the XIII Assistant City Civil Court at Chennai and transfer the same to the



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file of the learned District Munsif cum Judicial Magistrate, Madhavaram,
Tiruvallur.

2. I heard Mr.P.M.Navaneetha Pandian in support of the transfer.

3. Mr.P.M.Navaneetha Pandian states that the school, which is covered by the order of injunction sought for, is situated within the jurisdictional limit of District Court at Madhavaram and therefore, the City Civil Court does not have the territorial jurisdiction to try the same. Hence, he seeks for the proceedings to be withdrawn and transferred.

4. I have gone through the plaint.

5. The relief sought for in the plaint is a mandatory injunction restraining the defendant bank from permitting operation of the accounts and for permanent injunction restraining the first defendant from in any way interfere with the activities connecting with the school. It also seeks for a relief to restrain the first defendant from making defamatory statements about the institutions on YouTube and other social media networks. The reliefs sought



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for are in *personam* against the defendants who reside within the jurisdiction of the City Civil Court at Chennai. Therefore, the question of territorial jurisdiction does not arise at all.

6. Apart from that, the suit seems to have been presented in the year 2021 and the application for transfer is filed nearly after a period of three years. Under section 21 of the code of Civil Procedure, an application pointing out that the court does not have territorial jurisdiction has to be presented at the earliest available opportunity. Three years cannot be considered as “earliest available opportunity”.

7. Further, there is no pleading that if the suit continues before the City Civil Court at Chennai, it will lead to failure of justice. Unless and until these twin conditions are complied with, Section 21 cannot be a ground for transfer.

8. This Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



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V.LAKSHMINARAYANAN, J.

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To

The XIII Assistant City Civil Court at Chennai

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