



Tr.C.M.P.Nos.703 and 732 of 2024
and C.M.P.Nos.15074 and 16208 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Tr.CMP.Nos.703 and 732 of 2024

and

C.M.P.Nos.15074 and 16208 of 2024

Minor K.Catherine Rosemary

Rep. by its Guardian Mr.L.Rajan

... Petitioner in both petitions

Vs

1.M/s.Gold Sun Financial Service Group,
No.1/35, Haridass Main, Kolathur,
Chennai – 99.

2.M/s.Sri Raj Company,
No.7, Sunguram Chetty Street,
Chennai – 600 001.

... Respondents in
Tr.C.M.P.No.703 of 2024

1.M/s.Gold Sun Financial Service Group,
No.1/35, Haridass Main, Kolathur,
Chennai – 99.

2.M/s.Varma & Company (Auctioneers),
Rep by its Proprietor Mr.D.C.Varma
having office at New No.25, Flowers Road,
3rd Floor, Chennai – 600 084.

... Respondents in
Tr.C.M.P.No.732 of 2024



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Prayer in Tr.CMP.No.703 of 2024:- Transfer Civil Miscellaneous Petition filed under Section 24 of the CPC, to withdraw the O.S.No.2740 of 2021 pending on the file of the XVIII Assistant City Civil Court, Chennai, and transfer the same to the file of the District Munsif Court, Ambattur.

Prayer in Tr.CMP.No.732 of 2024:- Transfer Civil Miscellaneous Petition filed under Section 24 of the CPC, to withdraw the O.S.No.3671 of 2021 pending on the file of the XVIII Assistant City Civil Court, Chennai, and transfer the same to the file of the District Munsif Court, Ambattur, to be tried along with O.S.No.29 of 2024.

In Tr.CMP.No.703 of 2024

For Petitioner	:	Mr.X.Selvam Sounder
For R1	:	Mr.B.Manoharan

In Tr.CMP.No.732 of 2024

For Petitioner	:	Mr.X.Selvam Sounder
For Respondents	:	Mr.B.Manoharan

COMMON ORDER

One minor K.Katherine Rosemary, represented by its guardian Mr.L.Rajan, has filed a Suit in O.S.No.2740 of 2021 on the file of the VIII Assistant City Civil Court at Chennai seeking to declare the Public Auction which is scheduled on 08.02.2021 in respect of the suit schedule property and for permanent injunction. The plaintiff in O.S.No.2740 of 2021 has filed Tr.CMP.No.703 of 2024 seeking an order to withdraw the



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said suit and to transfer the same to the file of the District Munsif Court at Ambattur. The aforesaid minor K.Catherine Rosemary has also filed another suit in O.S.No.3671 of 2021 on the file of the XVIII Assistant City Civil Court, Chennai seeking to declare the Public Auction which is scheduled on 06.05.2021 in respect of the suit schedule property and for permanent injunction. The said K.Catherine Rosemary has also filed Tr.CMP.No.732 of 2024 seeking to withdraw the suit in O.S.No.3671 of 2021 on the file of the XVIII Assistant City Civil Court, Chennai and to transfer the same to the District Munsif Court, Ambattur to be tried along with O.S.No.29 of 2024.

2. According to the petitioner, the minor is the grand daughter of the petitioner. The suit schedule properties belonged to the said K.Catherine Rosemary, daughter of Late Mr.Kumar. Originally the suit schedule properties belong to the petitioner, namely Thiru L.Rajan and he settled the same to his daughter Late Mrs.R.Regina Margaret, vide Doc.No.3076 of 20215. The said late Mrs.R.Regina Margaret was married to Mr.Kumar in the year 2008 at Chennai a per Christian Rites



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and Customs and out of wedlock, the petitioner was born on 13.03.2018.

The said Mr.Kumar died due to ill health and the petitioner's mother died intestate on 20.02.2019 due to ill health.

3. The petitioner came to know that on 25.12.2016, the 1st respondent herein has obtained Mortgage Deed from the petitioner's mother late Mrs.R.Regina Margaret and armed with the aforesaid deed, the 1st respondent had brought the property into public auction through the 2nd respondent. Hence the Suit in O.S.No.3671 of 2021 came to be filed seeking the relief of not to alienate the suit schedule property. The petitioner has also filed a suit in O.S.No.29 of 2024 on the file of the District Munsif Court at Ambattur for declaration, declaring the Sale Deed Doc.No.10183 of 2021, on the file of the SRO, Ambattur executed by the 1st respondent in favour of the 3rd respondent in respect of Suit Schedule Mentioned Property, as null and void. The petitioner, being a senior citizen, aged about 71 years, finding it extremely difficult to travel from Ambattur to the City Civil Court at Chennai frequently to attend the case proceedings.



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4. The Suit in O.S.No.2740 of 2021 has been filed to declare the public auction scheduled to be held on 08.02.2021 and for permanent injunction. Similarly, the Suit in O.S.No.3671 of 2021 has been filed to declare the public auction scheduled to be held on 06.05.2021 and for permanent injunction.

5. The learned counsel appearing for the petitioner would submit that originally the suit property belonged to the petitioner's grandfather and he settled the property to her daughter late R.Regina Margaret due to love and affection by the way of registered settlement deed on the file of the Sub Registrar Office, Ambattur vide Document No.3076/2015. Thus the petitioner's mother became the absolute owner of the suit property. On 13.03.2018, the petitioner's father died due to ill health and the petitioner's mother also died intestate on 20.02.2019 due to ill health. After the demise of petitioner's mother, the suit property devolved upon to petitioner by operation of law. Thus the petitioner has inherited the suit property and the petitioner became the absolute owner



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of the suit property. On 25.12.2016, the petitioner came to know that the first respondent has obtained a mortgage deed from the petitioner's mother and armed with the above deed, the first respondent brought the property in to the public auction through the second respondent, which is scheduled on 06.05.2021 at 12.00 noon. The learned counsel further would submit that the petitioner is residing in the suit property along with her grandfather and thus the petitioner is in absolute possession and enjoyment of the suit property and the first respondent brought the suit property into public auction through second respondent without due notice to the petitioner and without following due process of law. The learned counsel further would submit that on 06.02.2021, the petitioner issued the legal notice to the respondents 1 and 2 to stop the auction proceeding which was scheduled to be on 08.02.2021 at 05.00 pm at the second respondent office.

6. The learned counsel appearing for the respondents/defendants would submit that the defendants have filed an application under Order VII Rule 11 of CPC to reject the plaint on the



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ground that the suit has to be filed before the District Munsif Court, Ambattur and City Civil Court, Chennai has no jurisdiction to entertain the suit. In that application the petitioners have objected that the learned City Civil Court has jurisdiction to entertain the suit. Now the plaintiff themselves seeking transfer of the suit from the file of City Civil Court to the file of District Munsif Court, Ambattur.

7. It is to be noted that the purpose of Section 24 CPC is mere confer on the Court discretionary power. Section 24 CPC does not prescribe any ground for ordering the transfer of case. The Court must act judicially while ordering transfer. ***[Jitendra Singh v. Bhanu Kumari and Others, (2009)1 SCC 130]***.

8. Considering the reason stated in the affidavit filed in support of these petitions, this Court is of the view that since the Suits are filed before the District Munsif Court, Ambattur relating to the same subject matter of suit schedule properties, in order to meet the ends of justice and to avoid conflicting decisions, they should be tried together in one Court.



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9. In the result, these Transfer Civil Miscellaneous Petitions are allowed and the Suits in O.S.No.3671 of 2021 and O.S.No.2740 of 2021 on the file of the XVIII Assistant City Civil Court, Chennai are withdrawn and transferred to the file of the District Munsif Court, Ambattur to be tried along with O.S.No.29 of 2024. The learned Judge, District Munsif Court, Ambattur, is requested to dispose of the cases as expeditiously as possible. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

08.10.2025

mtl/Jvm

Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

1.The XVIII Assistant City Civil Court,
Chennai.

2.The District Munsif Court,
Ambattur.



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M. JOTHIRAMAN, J.

mtl/Jvm

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