



Tr.CMP.No.955 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2025

CORAM:

THE HON'BLE MR. JUSTICE M.JOTHIRAMAN

Tr.CMP.No.955 of 2025

Mr.P.Devichand

... Petitioner

vs.

1.Mr.B.Devendarlal (deceased)
2.Mrs.D.Sasikala
3.Mrs.Susila Bai
4.Mrs.Jageshwari

... Respondents

Prayer: Petition filed under Section 24 of the Civil Procedure Code, 1908 seeking to withdraw RLTOP No.57 of 2019 on the file of the XIII Small Causes Court at Chennai and transferring the same to the District Munsif Court at Madhavaram, which is the correct jurisdictional Court in the same stage of proceedings.

For Petitioner : Mr.Ralph V.Manohar

ORDER



Tr.CMP.No.955 of 2025

WEB COPY

The petitioner is the landlord and he has filed a petition under Sections 21(2)(b) and 21(2)(a) of The Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 [in short “TNRRRLT Act”] in RLTOP.No.57 of 2019 on the file of the 13th Small Causes Court, Chennai, seeking the relief of direction to the respondent/tenant to vacate and handover the land and building bearing Door No.7, Thiruthangal Avenue, Selavoyal, Chennai-600 051 on the ground of wilful default in payment of monthly rents and failed to enter into an agreement under Section 4(2) of the TNRRRLT Act, 2017.

2. It is stated in the affidavit that the cross examination of both the petitioner and the respondent was completed and the matter was posted for arguments. On 07.07.2025, on verification with the Nazir Section of the City Civil Court and the Small Causes Court, it was informed that the property under dispute does not comes within the jurisdiction of the Small Causes Court and it comes within the jurisdiction of the District Munsif Court, Madhavaram and hence, the petition is filed to withdraw RLTOP.No.57 of 2019 pending on the file of the XIII Small Causes Court, Chennai and transfer the same to the District Munsif Court, Madhavaram in the same stage of proceedings.



Tr.CMP.No.955 of 2025

WEB COPY

3. The learned counsel appearing for the petitioner would submit that since the Small Causes Court, Chennai does not possess territorial jurisdiction to deal with the issue and the District Munsif Court, Madhavaram is the correct jurisdictional Court and the same shall be transferred at the same stage of the proceedings. To strengthen his arguments, the learned counsel for the petitioner relied upon the order of this Court dated 24.01.2025 *made in Tr.C.M.P.No.1283 of 2024 [Mrs.R.Padmapriya and another v. Nil]*.

4. Heard both sides and perused the entire materials available on record.

5. The present petition has been filed on the ground that the Court of Small Causes, Chennai does not have territorial jurisdiction and the District Munsif Court at Madhavaram is the correct jurisdictional Court.

6. In this context, it is relevant to cite the judgment of the Hon'ble Supreme Court in the case of *Neha Arun Jugadar v. Kumari Palak Diwan Ji [AIR 2011*



Tr.CMP.No.955 of 2025

WEB COPY

SC 1164], wherein it was held that the Court cannot pass an order on the ground that the Court where case was pending had no jurisdiction. The party has to apply to the Court for dismissing the case on that ground.

7. The purpose of Section 24 CPC is merely to confer on the court discretionary power. Section 24 does not prescribe any ground for ordering the transfer of a case. The Court must act judicially in ordering a transfer **[Jitendra Singh v. Bhanu Kumari & Others [(2009) 1 SCC 130]**.

8. This Court, *vide order dated 24.01.2025 in Tr.CMP.No.1283 of 2024 [Mrs.R.Padmapriya and another v. Nil]* held that invoking Section 24(2) of CPC, the learned Principal District Judge at Kancheepuram was directed to proceed with the case from the stage at which it has been transferred to him.

9. In the light of the decisions cited supra, this Court is inclined to allow this petition. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed and RLTOP.No.57 of 2019, pending on the file of the XIII Small Causes



Tr.CMP.No.955 of 2025

WEB COPY

Court, Chennai is transferred to the file of the District Munsif Court at Madhavaram, who shall proceed with the case from the stage at which it has been transferred to him. No costs.

16.10.2025

Intex : Yes/No
Internet : Yes/No
Jvm

To
1.XIII Small Causes Court,
Chennai.

2.The District Munsif Court,
Madhavaram.

M.JOTHIRAMAN, J.

Jvm



WEB COPY



Tr.CMP.No.955 of 2025

TR.CMP.No.955 of 2025

16.10.2025