

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

OP(C).No. 532 of 2015 (O)

IN OP 209/2014 of D.C. & SESSIONS COURT, KOLLAM

IN OS 313/2012 of SUB COURT, KOTTARAKKARA

PETITIONER(S) :

MURALEEKRISHNAN,
AGED 58 YEARS, S/O.RAGHAVAN NAIR,
PARVATHI MANDIRAM,
CHEMMANTHOOR THEKKEKARA, PUNALUR P.O.
KOLLAM DISTRICT.

BY ADVS.SRI.K.S.HARIHARAPUTHRAN
SRI.GEORGE MATHEW.

RESPONDENT(S) :

1. DAVID GEORGE,
AGED 54 YEARS, S/O.GEORGEKUTTY, HILL PALACE,
KUTHIRACHIRA, PUNALUR MURI,
PUNALUR VILLAGE, KOLLAM DISTRICT-673 001.
2. LATHA NAIR,
AGED 54 YEARS, D/O.PONNAMMA,
PARVATHI MANDIRAM,
CHEMMANTHOOR THEKKEKARA, PUNALUR P.O.,
KOLLAM DISTRICT-673 001.
3. ANITHA,
AGED 50 YEARS, W/O.MURALEEKRISHNAN,
PARVATHI MANDIRAM,
CHEMMANTHOOR THEKKEKARA, PUNALUR P.O.,
KOLLAM DISTRICT-673 001.

R1 BY ADV. SRI.S.V.BALAKRISHNA IYER (SR.)
R1 BY ADV. SRI.P.B.KRISHNAN
R1 BY ADV. SRI.P.M.NEELAKANDAN
R1 BY ADV. SRI.P.B.SUBRAMANYAN
R1 BY ADV. SRI.SABU GEORGE
R1 BY ADV. SRI.S.NITHIN (ANCHAL) .

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 29-05-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT-P1: TRUE COPY OF PETITION DTD.19.09.2014 IN O.P.(TP)
NO.209 OF 2014 OF THE DISTRICT COURT, KOLLAM.

EXHIBIT-P2: TRUE COPY OF OBJECTION DTD.16.01.2015 FILED BY THE
1ST RESPONDENT.

EXHIBIT-P3: TRUE COPY OF ORDER DTD.30.01.2015 IN O.P.(TP) NO.209
OF 2014 OF DISTRICT COURT, KOLLAM.

RESPONDENT(S) ' EXHIBITS :

EXHIBIT-R1(A): TRUE COPY OF THE JUDGMENT IN OP(C)NO.2183/2014(D)
FILED BY THE PETITIONER DATED 21/11/2014.

EXHIBIT-R1(B): TRUE COPY OF THE 'B DIARY' IN O.S.NO.313 OF 2012 FOR
THE PERIOD FROM 04/12/2012 TO 03/03/2015.

EXHIBIT-R1(C): TRUE COPY OF THE I.A.NO.345/2015 IN O.S.NO.313/2012
FILED BY THIS RESPONDENT DATED 21/02/2015.

/TRUE COPY/

P.A.TO JUDGE

RVS.

B.KEMAL PASHA, J.

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O.P.(C). No.532 of 2015

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Dated this the 29th day of May, 2015

J U D G M E N T

The petitioner, who is the 1st defendant in O.S.No.313 of 2012 of the Subordinate Judge's Court, Kottarakkara has come up by challenging Exhibit P3 order dated 30.01.2015 passed by the District Court, Kollam, in OP(TP) No.209 of 2014. The petitioner had approached the District Court, Kollam, through the said O.P. to get the suit transferred to some other Sub Court, alleging that the petitioner was prejudiced on account of some acts of the Sub Judge.

2. It seems that there was a direction by this Court to the learned Sub Judge to dispose of the suit within a time frame by stipulating a period for disposal as six months. On a perusal of the records, it seems that the Sub Judge was

scrupulously trying to adhere to the directions issued by this Court for disposal. It seems that several hurdles were created by some of the parties and finally the Sub Judge was forced to seek for an extension of time also.

3. The learned District Judge, while dealing with the OP(TP), had called for the remarks of the learned Sub Judge. The learned District Judge was satisfied that there were no grounds to have a transfer of the case to any other court. As the learned District Judge was satisfied that there were no grounds for transfer, the said OP(TP) was dismissed through Exhibit P3, which is under challenge herein.

4. Heard learned counsel for the petitioner and the learned Senior Counsel for the respondents.

5. This Court has called for the remarks of the learned Sub Judge. The learned Sub Judge has furnished his detailed remarks, which is self speaking. Much discussion is not required to conclude that the learned Sub Judge has

not committed anything wrong in the matter and the learned Sub Judge was scrupulously following the directions of this Court for getting the matter disposed of. The *bona fides* on the part of the judicial officer is evident from his remarks. This Court does not find any reason to transfer the case to any other court. There is absolutely no illegality or irregularity or jurisdictional error in Exhibit P3 order passed by the learned District Judge. Matters being so, this Original Petition (Civil) is devoid of merits. It is only to be dismissed, and I am doing so.

In the result, this Original Petition (Civil) is dismissed.

Sd/-
B.KEMAL PASHA
JUDGE