

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

CRP (PD) No.2894 of 2016 and
C.M.P.No.14639 of 2016

1. S.M.Salahudin
2. Munirabanu

.. Petitioners

versus

M.Salahudin

..Respondent

Petition filed under Article 227 of the Constitution of India against the fair and final order of the District Court, Nagapattinam dated 20.04.2016 made in Tr.O.P.No.46 of 2014.

For Petitioners : Mr.R.Sounthar

For Respondent : NA

O R D E R

The respondent filed a petition for transfer in Tr.O.P.No.46 of 2014 before the District Court, Nagapattinam. The transfer petition was filed on the ground that the Presiding Officer was biased. The learned District Judge found that there was no material to substantiate the allegation and as such the respondent herein has not made out a case for transfer. After saying so, the learned District Judge transferred the matter to the District Munsif, Nagapattinam, taking into account the

comments made by the learned District Munsif, Mayiladuthurai, that he has no objection for transfer. The said order is under challenge in this Civil Revision Petition.

2. The learned counsel for the petitioners submitted that the petitioner would be satisfied in case the suit is transferred to the Additional District Munsif at Mayiladuthurai. According to the learned counsel, the allegation was made only against the Principal District Munsif. However, the learned District Judge, transferred the matter to the Court at Nagapattinam, which is far away from the place of residence of the petitioners. The learned counsel, therefore, seeks an order to transfer the matter to another Court at Mayiladuthurai.

3. None appears for the respondent inspite of printing his name in the cause list.

4. The respondent filed a petition for transfer on the ground that the Presiding Officer was biased. The learned District Judge, rightly held that there was no material to sustain the said charge. Having said that there was no material for transfer, still, the learned District Judge, transferred the matter to a Court at Nagapattinam. Since there was an Additional District Munsif at Mayiladuthurai, the District Judge, could have

transferred the suit to the said Court instead of driving the parties to a far away Court at Nagapattinam. The petitioners are justified in their contention that they were put to difficulties on account of the order of transfer .

5. The order passed by the learned District Judge, Nagapattinam dated 20th April 2016 is modified. The suit in O.S.No.151 of 2012 is withdrawn from the file of Principal District Munsif, Myiladuthurai and is transferred to the file of Additional District Munsif, Myiladuthurai.

6. The transfer petition is allowed to the extent indicated above. No costs. Connected miscellaneous petition is closed.

18.10.2016

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To

1. The District Court, Nagapattinam
2. The Principal District Court, Myiladuthurai
3. The Additional District Munsif, Myiladuthurai

K.K.SASIDHARAN,J

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