

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 08.03.2016****CORAM****THE HONOURABLE MS. JUSTICE V.M.VELUMANI****Tr.C.M.P(MD)Nos.262 to 266 of 2015****and****M.P(MD)Nos.1,1,1,1,1 of 2015**1.A.Rajakumari ..Petitioner in Tr CMP(MD)262/2015/3rd defendant2.Dr.A.Jeevagan ..Petitioner in Tr CMP(MD)263/2015/3rd defendant3.Dr.A.Sivanraj ..Petitioner in Tr CMP(MD)264/2015/3rd defendant

Ayyanathan (deceased)

1.A.Rajakumari

2.Dr.A.Jeevagan

3.Dr.A.Arulnithi ...petitioner in Tr CMP(MD)265/2015/
Defendants 4 to64.A.Jeyalakshmi ...petitioner in Tr CMP(MD)266/2015/
3rd Defendants

Respondants

1.E.M.V.Muthappan Chettiar ...1st Respondent/Plaintiff
in all Tr CMP

2.E.M.V.M.Viswanathan

3. Kamaraj @ Saminathan ... Respondent 2&3 in/Defendants 1&2
all Tr CMP4.Dr.A.Sivanraj ...4th Respondent in /7th Defendants
in Tr CMP(MD)No265/15**Common Prayer in Tr CMP(MD)Nos. 262 to 266 of 2015**Petitions filed under section 24 of the code of civil
procedure praying this court to withdraw

O.S.No.121 of 2008

O.S.No.172 of 2008

O.S.No.31 of 2009

O.S.No.171 of 2008 and

O.S.No.174 of 2008 pending on the file of the Additional
District Judge at Pattukottai, Thanjavur District and transfer the
same to any other competent Court in Thanjavur District.

For Petitioner : Mr.D.Venkateswaran(all MPS)

For R1 : Mr.S.Siva Thilakar (all MPS)

For R2 & R3 : No appearance (Tr CMPS 262to 264 &266/15)

For R2 to R4 : No appearance (Tr.CMP 265/15)

**COMMON ORDER**

The Transfer Civil Miscellaneous Petitions were heard together and disposed of by this Common Order, as the issue involved in the Transfer Civil Miscellaneous Petitions are interlinked.

2. All the petitioners are third defendant in all the suits. The first respondent filed five different suits for declaration and in alternative relief of recovery of possession. The petitioners filed written statement and contesting the suit. According to the petitioners, the Additional District Judge, Pattukottai is showing favouritism to the first respondent/plaintiff and expressed in open Court that trial would be completed within one month from the date of commencement of the trial of the suit. When the suit was posted for trial, the petitioners sought for an adjournment for filing petition under Order VII Rule 11(2) of C.P.C., for rejection of plaint. The learned Judge did not grant any adjournment and commenced the trial. In the circumstances, the present petitions have been filed to transfer all the suits to any other competent Court in Thanjavur District on the ground that the learned Judge has predetermined the case and showing favouritism to the first respondent.

3. The learned counsel for the first respondent filed common counter affidavit denying the various allegations made by the petitioners. The learned counsel for the first respondent submitted that the petitioners are taking number of adjournments and prolonging the matter and the suit is of the year 2008 and 2009. When the suit was posted for trial, the petitioners were sought for adjournment on the ground that they are going to file a petition under Order VII Rule 11(2) to reject the plaint. The Learned Judge rejected unreasonable request and commenced the Trial and prayed for dismissal of the Transfer Civil Miscellaneous petitions.

4. Heard the learned counsel appearing for the petitioners and the first respondent in all the petitions and also perused all the materials on record.

5. The petitioners made certain allegations against the Presiding Officer. According to the petitioners, they sought time for filing petition to reject the plaint. The learned Judge showing favouritism to the first respondent and rejected the request of the petitioners and commenced the trial. The petitioners alleging that the Presiding Officer predetermined the issue in favour of the first respondent. The allegations are not substantiated and the same is untenable. The suit is of the year 2008 and 2009 and the petitioners filed written statement on 24.08.2009 itself in all the suits and contesting the suit. In the year 2013, all the suits were transferred to Fast Track Court, Pattukkottai, for joint trial. In the circumstances, the petitioners sought for adjournments for filing application to reject the plaint. The learned Judge taking into consideration the suits are pending from 2008 and 2009, has rightly rejected the request of the petitioners and commenced the trial. There is no



reason warranting interference by this Court.

6. This Court in number of occasions deprecated the practice of making baseless allegations against the Judges. This is one such case where the petitioners have come out with allegation against the Presiding Officer only because he refused to grant adjournment for filing petition to reject the plaint in the suit, which is pending for more than 7 years.

7. In the circumstances, all the Transfer Civil Miscellaneous Petitions are dismissed. The learned Additional District Judge, Pattukottai, is directed to complete the trial in all the suits, as expeditiously as possible, in any event, not later than 31st July, 2016. Consequently, connected Miscellaneous Petitions are also closed. No costs.

Sd/
Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

To
The Additional District Court,
Pattukkottai.

+1cc to Mr.D.Venkateswaran, Advocate in Sr.No.13369
+5cc to Mr.S.Sivathilakar, Advocate in SR.No.13459 to 13463

CN/SKS-SK/22.03.2016/3p-8C

Tr.C.M.P(MD)Nos.262 to 266 of 2015