



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2016

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P (MD) No.411 of 2015

T.N.Venkatesh @ Rockline Venkatesh

... Petitioner/1st Defendant

Vs.

1.K.R.Ravi Rathinam

...1st Respondent/Plaintiff

2.S.Ponkumaran

3.K.S.Ravikumar

4.Shivaji Rao @ Rajinikanth

5.General Secretary,

South Indian Film Writers Association

L-33, Flat 1, 2nd floor, L.I.G.,

Bharathidasan Colony,

K.K.Nagar,

Chennai- 600 078.

... Respondents 2 to 5/

Defendants 2 to 5

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the suit in O.S.No.46 of 2015 pending on the file of the Learned Additional District Munsif Court, Madurai and transfer the said suit to any other appropriate Court as this Hon'ble Court may deem fit with a direction to dispose of the said suit within a time limit as fixed by this Court.

For Petitioner : Mr.Rugan @ Arya

For R1 : Mr.A.Kannan

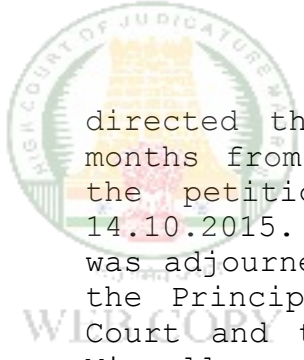
For R2 to F4 : Mr.P.M.Vishnuvarthanan

For R5 : Mr.R.Narmathan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the suit in O.S.No.46 of 2015 pending on the file of the Learned Additional District Munsif Court, Madurai and transfer the said suit to any other appropriate Court.

2.According to the petitioner, the petitioner is the first defendant. The first respondent filed a suit in O.S.No.46 of 2015 on the file of the District Munsif, Madurai Town for declaration, declaring that the story of the film "Linga" and Mullai Vanam 999" are one and the same and belongs to the first respondent and for permanent injunction restraining the petitioner and respondents 2 to 4 from making propaganda as if the said story belonging to them. The said suit is pending. After various proceedings, the petitioner preferred S.L.P., vide S.L.P.(d) No.1272 of 2015 and the Hon'ble Supreme Court directed the petitioner to file written statement within a period of four weeks from 20.03.2015 and



directed the Trial Court to dispose the suit within a period of six months from 20.03.2015. As per the orders of the Hon'ble Supreme Court, the petitioner filed written statement and issues were framed on 14.10.2015. Subsequently, the learned Judge went on long leave and suit was adjourned to various dates and there was no Presiding Officer in both the Principal District Munsif Court and the Additional District Munsif Court and therefore, he has come out with the present Transfer Civil Miscellaneous Petition.

3.The learned counsel for the first respondent filed counter affidavit and stated that the first respondent filed a suit in O.S.No.46 of 2015 and issues were framed on 14.10.2015. When the matter was listed on 12.12.2015 at request of the first respondent, the matter was referred before Lok Adalath for settlement. At that time, the petitioner filed Transfer Civil Miscellaneous Petition for transferring the suit in O.S.No.46 of 2015 from the file of the Additional District Munsif Court, Madurai to the file of any other appropriate Court and prayed for dismissal of the petition.

4.The learned counsel for the petitioner submitted that as per the direction of the Hon'ble Supreme Court, the petitioner filed written statement and he has also ready and willing to contest the case and there is no Presiding Officer and therefore, he has filed a petition for Transfer.

5.Now, both the counsel represented that the Presiding Officer is there and direction may be issued for early disposal of the suit.

6. Heard the learned counsel appearing for the petitioner and the respondents.

7. Considering the facts and circumstances of the case and the contention of the learned counsel for petitioner and respondent that now Presiding Officer is posted and in view of the order passed by the Hon'ble Supreme Court to dispose the suit in O.S.No.46 of 2015 within a period of six months from 20.03.2015, the learned Additional District Munsif, Madurai is directed to conduct the trial on day to day basis and to dispose the suit on or before 30.04.2016.

8. With the above directions, the Transfer Civil Miscellaneous Petition is disposed of. No costs.

Sd/
Assistant Registrar

/True Copy/

Sub Assistant Registrar.

To
The Additional District Munsif Court, Madurai
+2CC to Mr.M.P.Senthil, Advocate, SR.No. 8501, 8324
+1CC to Mr.A.Kannan, Advocate, SR.No. 8465

Tr.C.M.P (MD) No.411 of 2015
11.02.2016