



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2016

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

**CRP(MD) No. 2554 of 2016 and
C.M.P(MD) No. 12032 of 2016**

1. P. Muniammal
2. M. Chellammal
3. R. Devi
4. P. Angammal : Petitioners/ Petitioners

Vs.

1. C. Rajendran
2. V. Kannan @ Mandaikannan
3. K. Gunasekari : Respondents/ Respondents

Prayer: This Civil Revision Petition is filed under Article 226 of the Constitution of India praying to set aside the order dated 01.11.2016 passed in Tr.O.P.No.47 of 2016 on the file of the Principal District Court, Madurai.

For Petitioner : Mr. N. Vallinayagam

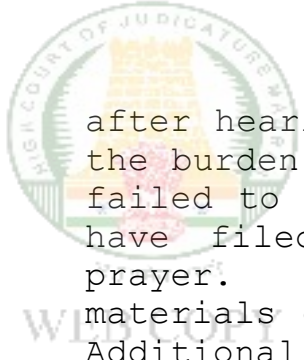
For Respondent : Mr. S. Loganathan for R1

O R D E R

This Civil Revision Petition is filed to set aside the order dated 01.11.2016 passed in Tr.O.P.No.47 of 2016 on the file of the Principal District Court, Madurai.

2. The revision petitioners filed Transfer OP No. 47 of 2016 to withdraw and transfer E.A.No.62 of 2013 along with E.P.No.89 of 2012 from the file of the Additional District Munsif, Madurai to the file of the Principal District Munsif, Madurai for disposing the same.

3. According to the petitioners, certain un authorised corrections have been made with regard to door number of the property. Therefore, he filed EA.No.105 of 2016 to inspect the Court bundle. The learned Additional District Munsif, Madurai,



after hearing the arguments dismissed the application holding that the burden of proof is on the petitioners and that the petitioners failed to prove their case. In the circumstances, the petitioners have filed Transfer OP.NO.47 of 2016 for the above referred prayer. The learned Principal District Judge considering the materials on record and order of this Court directing the learned Additional District Munsif to dispose of the EP within a period of two months dismissed the Transfer OP.

4. Against the said order of dismissal, the present Civil Revision Petition has been filed.

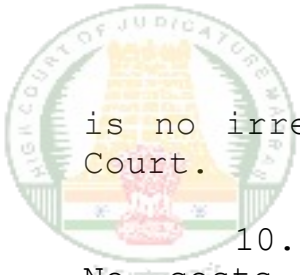
5. The learned counsel appearing for the petitioners submitted that the petitioners have not challenged the integrity of the learned Additional District Munsif, Madurai and contended that the learned Additional District Munsif pre-determined the issue as he has held that petitioners have not proved their case. Further the learned Judge failed to consider their contention and therefore, prayed for allowing the Civil Revision Petition.

6. The learned counsel appearing for the caveator submitted that the petitioners have filed Transfer OP only to drag on the proceedings and the reason given by the petitioners for transfer OP is not valid and sufficient to transfer the case.

7. I have heard the learned counsels appearing on either side and perused the materials available on record.

8. From the materials available on record, it is seen that this Court by order dated 05.01.2016 directed the learned Additional District Munsif, Madurai, to dispose the E.P within a period of two months. The learned Additional District Munsif dismissed E.A.No.105 of 2016 alleging that certain un-authorised corrections have been made with regard to permission to inspect the Court bundle. The learned Additional District Munsif dismissed the said application holding that the petitioners have not proved their case. In the circumstances, the petitioners have filed Transfer OP on the ground that the learned Additional District Munsif has pre-determined the issue and dismissed E.A.No.105 of 2016 holding that the petitioners failed to prove their case. At the same time, the petitioners have also stated that they are not doubting the integrity of the learned Additional District Munsif. The petitioners have not challenged the order passed by the learned Additional District Munsif, in E.A.No.105 of 2016.

9. In the circumstances, I hold that the reasons given by the petitioners for transfer of EA and EP is not valid and sufficient. The learned Judge considered all the materials on record from the caveator's perspective and has given valid and cogent reasons for dismissing the Transfer OP. Further, the learned Judge has exercised his power conferred on him properly and there



is no irregularity or illegality warranting interference by this Court.

10. In the result the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

11. Already, by order dated 05.01.2016, there is a direction by this Court to the learned Additional District Munsif, Madurai, to dispose the E.P. within a period of two months, the learned Judge is directed to dispose the EP as expeditiously as possible in any event not later than 31st March 2017.

Sd/-
Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

1. The Principal District Judge, Madurai.
2. The Additional District Munsif, Madurai.

TRP
PSM/MR-VB/02.02.2017/3P/3C

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