

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)Nos.665 & 666 of 2017
and
C.M.P.Nos.3368 & 3369 of 2017

V.Rammohan

.. Petitioner in both
CRPs.

Vs.

1. P.Sundaram
2. S.Selvaraj
3. S.Gunasekaran

.. Respondents in
both CRPs.

Civil Revision Petitions filed under Article 227 of the Constitution of India, against the docket order dated 17.02.2017 in I.A.Nos.44 and 46 of 2017 in Transfer O.P.Nos.45 and 46 of 2017 by the learned Principal District Judge at Salem.

For Petitioner	: Mr.S.Ramesh
For Respondents	: M/S.Babu Ramasamy Associates

COMMON ORDER

Civil Revision Petitions have been filed against the docket order dated 17.02.2017 in I.A.Nos.44 and 46 of 2017 in Transfer

O.P.Nos.45 and 46 of 2017 on the file of the learned Principal District Judge at Salem.

2. In both the civil revision petitions, the issues are one and the same and hence, they are disposed of by this common order.

3. The petitioner and one T.R.Venkatesan are plaintiffs and respondents are the defendants in O.S.No.731 of 2009 on the file of the II Additional District Munsif Court, Salem.

4. The respondents are the plaintiffs and the petitioner and two others are the defendants in O.S.No.729 of 2009 on the file of the II Additional District Munsif Court, Salem.

5. The petitioner filed Transfer O.P.Nos.45 and 46 of 2017 to transfer the suits in O.S.Nos.731 and 729 of 2009 respectively to some other District Munsif Court.

6. The petitioner filed I.A.Nos.44 and 46 of 2017 in Transfer O.P.Nos.45 and 46 of 2017 for stay further proceedings in the suits in O.S.Nos.731 and 729 of 2009 respectively pending on the file of the Principal District Judge, Salem.

7. By docket order dated 17.02.2017, the learned Judge ordered notice in the said applications.

8. Challenging the order of the learned judge issuing notice in I.A.Nos.44 and 46 of 2017 in Transfer O.P.Nos.45 and 46 of 2017, the present revisions are filed by the petitioner.

9. Heard both sides and perused the materials available on record.

10. The petitioner has made various allegations against the learned Judge. According to the petitioner, the learned Principal District Judge, Salem, without properly appreciating the urgency raised by the petitioner, issued notice in I.A.Nos.44 and 46 of 2017 filed by the petitioner for stay of further proceedings in O.S.Nos.731 and 729 of 2009, instead of granting stay. Granting of interim stay pending proceedings is the discretion of the Court depending upon the facts and circumstances of the case. In the present case, the learned Judge has ordered only notice considering the fact and exercising his discretionary power. From the materials on record, it cannot be held that the learned Judge has not properly exercised his discretionary power.

12. In the result, the Civil Revision Petitions are dismissed. The Principal District Judge, Salem, is directed to dispose both Transfer O.P.Nos.45 and 46 of 2017 on merits and in accordance with law, as expeditiously as possible, in any event, not later than three months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

14.06.2017

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To

The Principal District Judge, Salem.

V.M.VELUMANI,J.

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