



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 16.09.2016

PRONOUNCED ON: 06.01.2017

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THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

CRP (PD) (MD) No.1062 of 2016

Ashok .. Petitioner/Petitioner  
(For himself and as representative of  
other members of Tirunelveli Diocese  
Under Order 1 Rule 8 of C.P.C.)

Vs.

1.Rev.J.J.Chirtudoss

2.The Synod of Church of South India,  
Rep. By its General Secretary,  
For himself and other members of Synod  
of Church of South India,  
No.5, Whites Road, Royapettai,  
Chennai-14.

3.Pushparaj ..Respondents/Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order and Decreetal order dated 15.03.2016 made in Transfer Original Petition No.28 of 2016, on the file of the Principal District Judge, Tirunelveli.

For Petitioner : M/s.Lita Srinivasan  
For Respondents : Mr.R.T.Arivukumar for  
Mr.S.Meenakshi Sundaram (for R1)

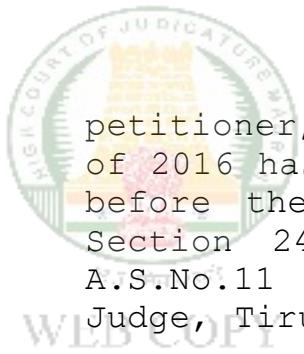
### O R D E R

The unsuccessful first defendant in O.S.No.129 of 2013 has filed an appeal in A.S.No.11 of 2016, on the file of the III Additional District Court, Tirunelveli.

2.The petitioner, who is the first respondent in the appeal has filed the Transfer O.P.No.28 of 2016, who is the plaintiff / revision petitioner before this Court.

<https://hcservices.ecourts.gov.in/hcservices/>

3.While pendency of the above appeal, this civil revision



petitioner, who is the first respondent in the appeal in A.S.No.11 of 2016 has filed the Transfer Application in Tr.O.P.No.28 of 2016 before the learned Principal District Judge, Tirunelveli, under Section 24 of C.P.C., sought for the relief of transfer the A.S.No.11 of 2016, on the file of the III Additional District Judge, Tirunelveli to some other Court for disposal on merits.

4.On hearing both sides, the learned Principal District Judge, Tirunelveli by order dated 15.03.2016 has dismissed the said Transfer Original Petition.

5.Challenging the said order, this petitioner has filed the present civil revision petition before this Court on various grounds.

6.This Court on elaborate hearings of both sides, reserved the Civil Revision Petition(PD) (MD)No.1062 of 2016 "for Judgments".

7.While pending for Judgment, this Court suo motu listed the case today (06.01.2017) for some clarification sought from the both parties.

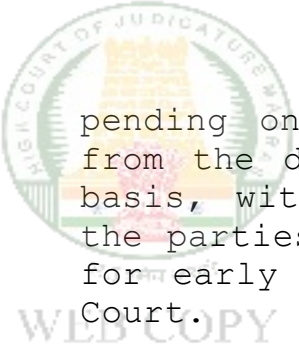
8.When the case has been taken up today, the learned counsel appearing for the petitioner Smt.Lita Srinivasan, represented before this Court that though she filed the above civil revision petition, challenging the order of dismissal of the Transfer O.P.No.28 of 2016, sought for the transfer of the case of the appeal in A.S.No.11 of 2016, on the file of the III Additional District Court, Tirunelveli to some other Court on various grounds, but, now the learned Presiding Officer/III Additional District Judge, Tirunelveli on whom the Appeal in A.S.No.11 of 2016 is pending was pleased to transferred to some other Court and newly Judge was appointed in the said Court. Therefore, she prayed this Court to dismiss the civil revision petition with a suitable direction may be issued to the learned III Additional District Judge, Tirunelveli for disposal of the appeal in A.S.No.11 of 2016 on a time frame manner. The learned counsel appearing for the respondent also agreed for the same.

9.Though, the petitioner in the civil revision petition have raised various grounds, but the representation made today by the learned counsel appearing for the petitioner, this Court is inclined to pass orders without considering on merits, dismissing the civil revision petition, a direction is to be issued to the learned III Additional District Judge, Tirunelveli to dispose the appeal in A.S.No.11 of 2016 within the stipulated period of time.

10.In the result:

<https://hcservices.ecourts.gov.in/hcservices> (a) the Civil Revision Petition is dismissed.

(b) the learned III Additional District Judge, Tirunelveli, is hereby directed to dispose the appeal in A.S.No.11 of 2016,



pending on the file of the Court, within a period of one month from the date of receipt of a copy of this order, on day to day basis, without giving any adjournment to either parties and both the parties are hereby directed to give their fullest co-operation for early disposal of the appeal, within the time fixed by this Court.

11. Accordingly, this civil revision petition is dismissed. No costs.

Sd/-  
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Principal District Judge,  
Tirunelveli.

2. The III Additional District Judge,  
Tirunelveli.

Copy To  
The Section Officer,  
VR Section,  
Madurai Bench of Madras High Court,  
Madurai.

+1cc to Mr.S.Meenakshi Sundaram, Advocate Sr.No.1391  
+1cc to Mr.P.Santhoshkumar, Advocate Sr.No.1407

CRP (PD) (MD) No.1062 of 2016  
06.01.2017

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