



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P(MD)No.791 of 2016 (NPD)

and

C.M.P(MD)No.3987 of 2016

Rajasaraswathi

.. Petitioner/Petitioner

Vs.

T.Ponnuthurai

.. Respondent/Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order, dated 23.11.2015 passed by the Principal District Court, Tirunelveli in Tr.O.P.No.172 of 2015 and transfer the O.S.No.59 of 2012 pending on the file of Principal District Munsif Court, Ambasamuthiram to a Munsif Court in Tenkasi or Sengottai.

For Petitioner : Mr.T.S.R.Venkataramana

For Respondent : Mr.R.J.Karthick

ORDER

The petitioner has filed the present Civil Revision Petition for challenging the order passed in Tr.O.P.No.172 of 2015 by the Principal District Court, Tirunelveli, dated 23.11.2015 filed for transferring the suit in O.S.No.59 of 2012 pending on the file of Principal District Munsif, Ambasamuthiram to a Munsif Court in Tenkasi or Sengottai.

2.According to the petitioner, the respondent is very influential person and there is a life threat to the petitioner if she goes to Ambasamuthiram to attend the hearing of the case. Secondly, Ambasamuthiram is 60 kms from her place and she has to take two buses and it will take 4 hours to reach Ambasamuthiram.

3.The respondent filed counter and denied the averments mentioned in the Tr.O.P.No.172 of 2015 and submitted that the petitioner is appearing in another suit filed by her in O.S.No.86 of 2010 before the District Munsif, Ambasamuthiram and appearing regularly for two years before the Sub Collector, Cheranmahadevi in the patta proceedings. In the present suit, applications filed



by the petitioner for interim injunction and for appointment of Advocate Commissioner were dismissed after full contest. The petitioner filed the present Transfer Petition only to drag on the proceedings and to give hardship to the respondent.

4.The learned Judge considering the fact that the petitioner has not denied the pendency of another suit and patta proceedings before the Sub Collector, dismissed the Tr.O.P.No.172 of 2015 holding that whenever the suit is posted for trial in the list, the petitioner filed applications one after other to drag on the proceedings.

5.Against the said order of dismissal, the petitioner has come out with the present Civil Revision Petition.

6.I have heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and also perused all the materials available on record.

7.The petitioner has filed Tr.O.P.No.172 of 2015 for transferring the O.S.No.59 of 2012 on the ground that the respondent is very influential person and his henchmen are following whenever she goes to Ambasamuthiram to attend the hearing of the case. There is a life threat to her and this Court already ordered police protection for her. The respondent has contended that there is another suit in O.S.No.86 of 2010 pending before the District Munsif, Ambasamuthiram and patta proceedings before the Sub Collector and the petitioner is appearing regularly in both suits and patta proceedings. The learned Judge considering all the contentions and took note of the fact that the petitioner did not deny the pendency of the another suit in O.S.No.86 of 2010 before the District Munsif, Ambasamuthiram and patta proceedings before the Sub Collector, dismissed the Transfer petition. In the circumstances, there is no illegality or irregularity warranting interference by this Court.

8.In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(Writ)

/True Copy/

Sub Assistant Registrar



WEB COPY

To The Principal District Munsif,
Ambasamuthiram.

+1cc to Mr.T.S.R.Venkatramana, Advocate Sr.No. 8560

+1cc to Mr.R.J.Kathick, Advocate Sr.No. 8582

JAM/28.02.17 /SV-MMS/ 3p-4c

C.R.P (MD) No.791 of 2016 (NPD)
15.02.2017