

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:27.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

**CRP(PD)No.1580 of 2015
and
M.P.No.1 of 2015**

K.Navin

Petitioner

Vs.

1.Kali
2.K.Govindasamy
3.R.Krishnan
4.D.Thangaraj

Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order made in Transfer O.P.No.35 of 2014 in O.S.No.326 of 2006 dated 20.02.2015 on the file of Principal District Court, Vellore.

For Petitioners :M/s.S.Senthilnathan

For Respondents :Mr.S.Kothandaraman for R4
No appearance for RR1 to 3

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ORDER

This Civil Revision Petition has been filed by the petitioner/plaintiff against the order passed by the trial Court in Transfer O.P.No.35 of 2014 in O.S.No.326 of 2006 dated 20.02.2015 on the file of Principal District Court, Vellore.

2. The brief facts are as follows:

The suit property is situated at Yelagiri, Nilavur Village, Thirupathur Taluk, Jolarpettai, Sub Division. The petitioner filed a suit for permanent injunction before the District Munsif Court, Thirupathur, as against respondents 1 to 3 herein. The 4th respondent viz., Thangaraj, is an Advocate practicing in Thirupathur. Being an Advocate, he influenced the Court staffs as well as Advocate concerned. The petitioner now resides at Chennai was threatened by the 4th respondent. Thereby, the petitioner lodged a criminal complaint and criminal case is also pending. Hence, the petitioner apprehends that if the case is conducted at District Munsif Court, Thirupathur, he will not have free mind to attend the case at Thirupathur. Hence, he requests to transfer the suit from the District Munsif Court, Thirupathur to District Munsif Court, Vellore.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

4. The learned counsel for the petitioner would submit that he could not go to Thiruppathur and attend the case with free mind. Though the petitioner is having full confidence over the District Munsif Court, Thiruppathur, for the above said reasons he is having every fear to appear before the District Munsif Court, Thiruppathur and conduct the case. Hence, the petitioner has filed an application to transfer the O.S.No.326 of 2006 is pending on the file of learned District Munsif, Thiruppathur to transfer the same to learned District Munsif, Vellore.

5. The learned counsel for the respondent's contention is that the suit is pending for eight years and there is no apprehension or threat. The same Advocate appearing in several cases regularly before the very same Court, in which the case is pending and also he conducts the criminal case also and he has not proved or filed any proof for threat.

6. A perusal of entire case records, it reveal that the petitioner had lodged a criminal case as against the respondents and the criminal case is pending before the Judicial Magistrate Court No.III, Thiruppathur and the petitioner is also conducting the case at Thiruppathur. But in this petition, he stated that there is an apprehension to go to Thiruppathur to conduct the case, which is not acceptable one. Furthermore, the suit is of the year 2006. The pleadings were completed and issues were also framed. The purpose of the petitioner in filing the transfer application is nothing but to drag on the proceedings.

7. It is not in dispute that the revision petitioner filed O.S.No.326 of 2006 on the file of Principal District Munsif, Thirupputhur, Vellore District and the case is pending for more than eight years and the counsel is also appearing in several cases in the very same Court and there is no evidence to show that there was a threat. Therefore, there is no reason to interfere with the order passed by the learned District Judge, Vellore and there is no illegality or infirmity and perversity in the order passed by the learned Principal District Judge, Vellore and there is no merit in the revision.

8. However, it is made clear that since the suit is filed in the year of 2006 and the same is pending for more than ten years, the trial Judge is directed to dispose of the case within a period of three months from the date of receipt of a copy of this order. Both the parties are hereby directed to give their fullest co-operation for early disposal. Therefore, the learned District Minsif, Thiruppathur, Vellure District, is directed to make endeavour to give fair opportunity to both sides and dispose of the case in accordance with law within a stipulated time.

9. The Civil Revision Petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

सत्यमेव जयते

27.04.2018

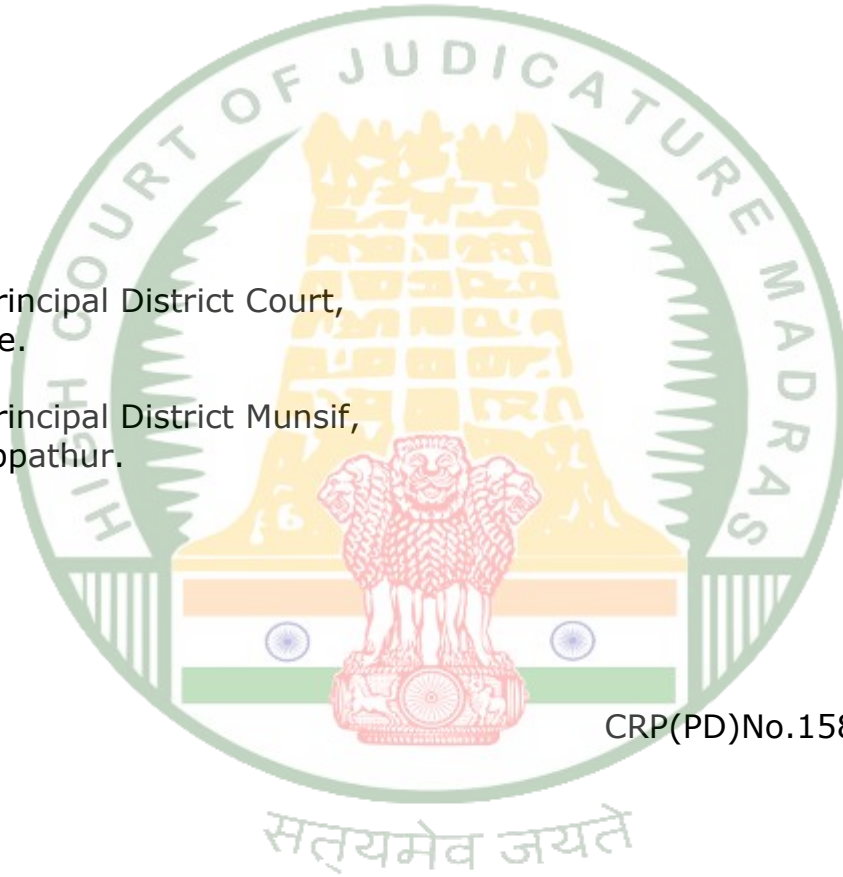
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P.VELMURUGAN, J.
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To

1. The Principal District Court,
Vellore.
2. The Principal District Munsif,
Thiruppathur.



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