

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP(PD).No.952 of 2018
and CMP.No.5100 of 2018

Anbalagan

.. Petitioner

Vs

1.Saroja
Rep.by General Power of Attorney,
Santhakumari,
Maruthur South Sethi Village,
Vedaranyam Taluk and DMC
2.Meenambal
3.Subamala

.. Respondents

PRAYER

Civil Revision Petition filed under Article 227 of the
Constitution of India against the fair and decretal order dated 12.12.2017
passed in Tr.O.P.No.29 of 2017 on the file of the Principal District Judge,
Tiruvarur.

For Petitioner

: Mr.S.Kothandaraman

ORDER

The Civil Revision Petition is taken up for final disposal at

the admission stage itself.

2. According to the revision petitioner, the revision petitioner has filed a petition in Tr.OP.No.29 of 17 on the file of the Principal District Court, Tiruvarur to transfer the suit in OS.No.104 of 2013 on the file of the District Munsif Court, Thiruthuraipoondi to other District Munsif Court within the jurisdiction of the Tiruvarur District. According to the revision petitioner, the revision petitioner has made a serious allegation against the Presiding Officer by stating that in the presence of the Advocates and the litigants, the Presiding Officer had made statement in the open court that the revision petitioner shall come to the court to contest the case and cooperate for early disposal of the case. Otherwise, the revision petitioner will be remanded. On the aforesaid allegation, the revision petitioner filed the present Transfer OP and the same was dismissed. Hence, the revision petitioner has filed the present Civil Revision Petition before this Court.

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

4. On perusal of records, in the above Transfer OP, the respondents have filed counter statement by denying the allegations made in the transfer OP and specifically stated that the revision petitioner with an intention to protract the proceedings, has made such allegation against the Presiding Officer. The learned Principal District Judge, Tiruvarur has recorded that evidence on the respondents side two years back and the revision petitioner with an intention to protract the proceedings has filed the present application. The suit was adjourned for cross examination of the plaintiff. In spite of several opportunities granted to the revision petitioner, the plaintiff was not cross examined by the revision petitioner. The court below has also recorded that there is no such statement made by the Presiding Officer in the open court as alleged by the revision petitioner. The court below has also considered and observed that when making an allegation against the Presiding Officer. Without any materials or the documents, the petitioner cannot make such allegation against the Presiding Officer. The revision petitioner has not placed any materials by way of oral or documentary evidence to prove such allegation. The contention of the revision petitioner is that in the presence of the advocates and the litigants, the Presiding Officer has threatened the revision petitioner that the revision

petitioner will be remanded. Therefore, the revision petitioner has not proved the serious allegation made in the statement and there is no material before this Court in support of his contention. Therefore, the petitioner made allegation against the Presiding Officer, without any substance or materials placed before the Court to prove the allegation. Hence, this Court does not warrant to interfere with the orders passed by the Principal District Court, Tiruvarur.

5. In view of the above, the Civil Revision Petition fails and the Civil Revision Petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

12.03.2018

Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

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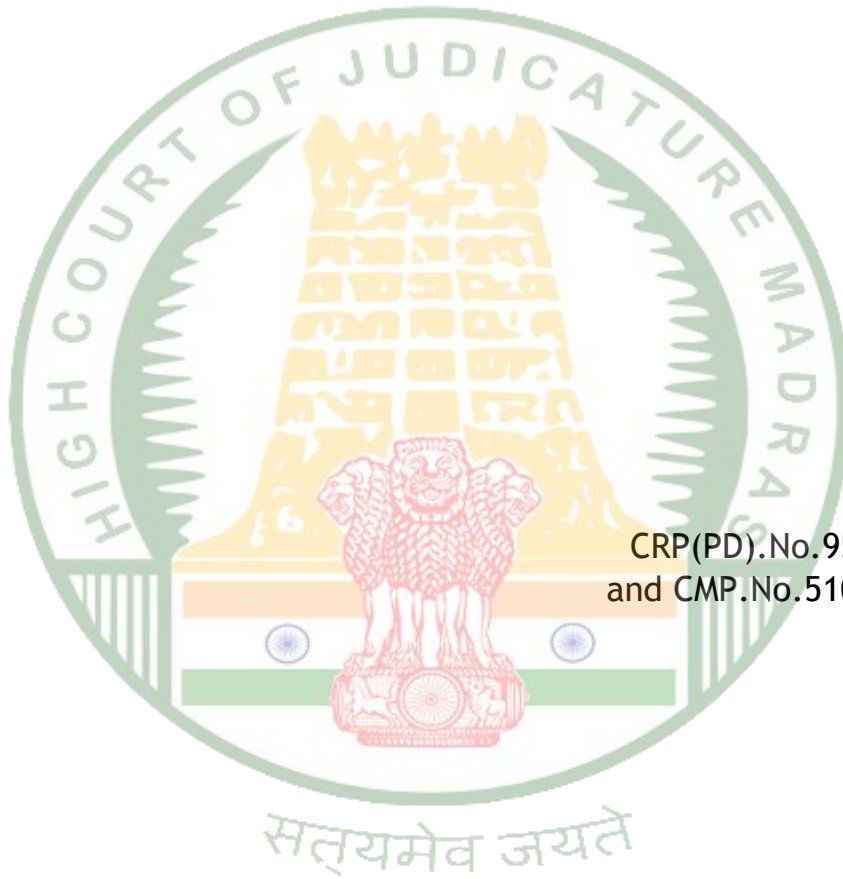
The Principal District Judge,
Tiruvarur.



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D. KRISHNAKUMAR J.,

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