

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: **02.07.2018**

CORAM

**THE HONOURABLE MR.JUSTICE M.SUNDAR**

**C.R.P (PD) No.4498 of 2013**  
**&**  
**M.P.No.1 of 2013**

1.M.Viswanathan

2.D.Sudhakar

3.V.Narmatha @ Nirmala

4.R.Vadivel

.. Petitioners

Vs.

S.Suresh

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order and decree dated 26.02.2013 made in Tr.O.P.No.6 of 2012 on the file of the Principal District Judge, Vellore, Vellore District.

For Petitioner : Mr.T.Dhanyakumar

For Respondents : Mr.P.A.Sudesh Kumar

### **ORDER**

There are four petitioners and a lone respondent in the instant

<http://www.judis.nic.in> Civil Revision Petition before this Court.

2. This revision petition arises out of three suits, now on the file

of Sub-Court, Vaniyambadi. Those three suits are O.S.No.253 of 2009, O.S.No.254 of 2009 and O.S.No.255 of 2009. Court is informed that all the three suits are money suits. Lone respondent before this Court i.e., S.Suresh, S/o.Shanmugam, is plaintiff in all the three suits. Petitioner No.1 before this Court M.Viswanathan is first defendant in all the three suits, D.Sudhakar, Petitioner No.2 is second defendant in O.S.No.253 of 2009, V.Narmatha @ Nirmala, Petitioner No.3 is 2<sup>nd</sup> defendant in O.S.No.254 of 2009 and R.Vadivel, Petitioner No.4 is 2<sup>nd</sup> defendant in O.S.No.255 of 2009. All the four revision petitioners before this Court, filed a petition being Transfer Original Petition No.6 of 2012 on the file of the Principal District Judges Court, Vellore. To be noted, this Transfer Original Petition was filed under Section 24 of the 'Code of Civil Procedure, 1908' (hereinafter referred to as 'CPC' for brevity). Vide the aforesaid Transfer Original Petition, the revision petitioners before this Court, who are also petitioners in the transfer petition, sought transfer of the aforesaid three suits from Sub-Court, Vaniyambadi to Sub-Court, Gudiyattam, which is also in Vellore District. The lone ground on which the transfer petition under Section 24 CPC is predicated is that the lone respondent before this Court, who is the plaintiff in all the three suits, is a powerful and influential person in the locality.

3. In the hearing today, learned counsel for the petitioners submits that the lone respondent before this Court prevented the defendants in the aforesaid three suits from entering the Court.

4. In response to the above, learned Counsel before this Court on behalf of the sole respondent, denies the allegation and submits that these petitions have been filed only to protract and procrastinate the

matter. In other words, it is the submission of the learned counsel for the respondent that the petitions are intended to delay the proceedings.

5. To be noted, it is not in dispute before me that the revision petitioners have not lodged any police complaint about the alleged disruption and alleged act on the part of the respondent, with regard to the allegation that the lone respondent before this court prevented them from going to the trial Court.

6. I have heard learned counsel on both sides and I have also perused the order dated 26.02.2013 made in Transfer Original Petition No.6 of 2012, which is sought to be revised in the instant revision petition, which has been laid under Article 227 of the Constitution of India. Learned Principal Judge of the Vellore District, has dismissed the Transfer petition holding that the petitioners have not substantiated their allegations and they have not produced any shred of material to substantiate the sole ground on which the Transfer Original Petition is predicated.

7. From a perusal of the impugned order, it comes to light that the revision petitioners before this Court were set *ex parte* in the respective suits and they have filed interlocutory applications to set aside the order setting them *ex parte*. Learned counsel for sole respondent also brings to the notice of this Court that defendants have completed their pleadings in their respective suits by filing written statements.

8. I have perused the order that is sought to be revised. I find

no infirmity in the said order and the same does not call for interference by this Court by way of a revision, more so a revision under Article 227 of the Constitution of India. Suits are of the year 2009 and a year from now, they will be a decade old suits. As stated supra, they are money suits. Be that as it may, notwithstanding this order, if there is any attempt on the part of the plaintiff, who is the sole respondent before this Court, to prevent the revision petitioners from entering the Court, it is open to the petitioners to set law into motion by filing a complaint. This order will not prevent the Authorities from taking action in accordance with law.

9. In the light of the narrative supra, this Court finds no ground whatsoever to interfere with the order that is sought to be revised.

Accordingly, this revision petition is dismissed. However, this Court refrains from imposing costs. Consequently, the connected miscellaneous petition is closed.

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**Index: yes/no**

**Internet:yes**

gpa

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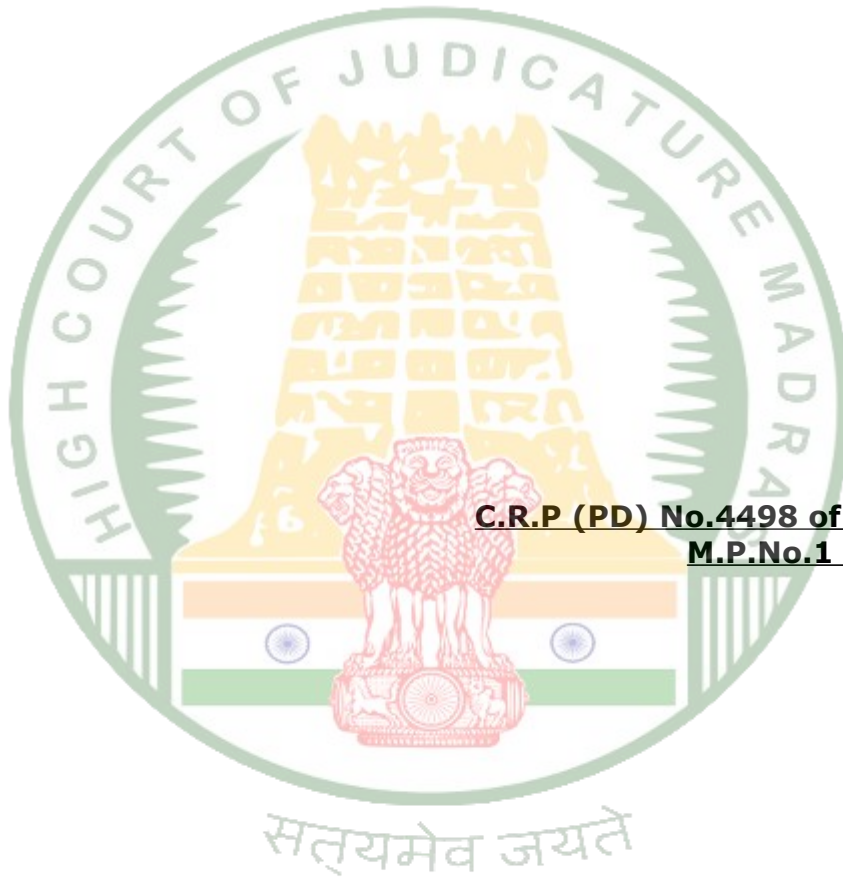
The Principal District Judge,  
Vellore, Vellore District.



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**M.SUNDAR, J.,**

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