

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 22.03.2018**

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P(D)Nos.551 to 554 of 2018 (PD)

- 1.Petchiammal
- 2.Deivanai

... Petitioners in all C.R.Ps

Vs

- 1.Karuppayee
- 2.Jegadeesan
- 3.Sivakumar
- 4.Murugesan
- 5.Katturajan
- 6.Roja
- 7.Subramanian
- 8.Madasamy

9. The Tahsildar,
Thirumangalam,
Having Office at
Taluk Office Campus,
Madurai Road,
Thirumangalam,
Madurai District.

10. The Head Surveyor,
Tirumangalam,
Having Office at Taluk Office Campus,
Madurai Road, Tirumangalam,
Madurai District.

11. The State of Tamil Nadu,
Rep. Through its District Collector,
Madurai, Having Office at
Collectorate Buildings,
Gandhi Nagar,
Madurai-20.

... Respondents in all C.R.Ps.

PRAYER in all C.R.Ps.: Civil Revision Petitions filed under Article 227 of the Constitution of India, praying this Court to expedite the proceedings in Tr.O.P.Nos.82, 83, 84 & 85 of 2014 on the file of the Principal District Judge, Madurai within the time frame fixed by this Court.



For Petitioners : Mr.G.Mohankumar
in all C.R.Ps.
For R9 to R11 : Mr.C.Ramar,
in all C.R.Ps. Additional Government Pleader

WEB COPY

COMMON ORDER

All these Civil Revision Petitions are preferred to expedite the Transfer petitions in Tr.O.P.Nos.82, 83, 84 & 85 of 2014 pending on the file of the Principal District Judge, Madurai.

2.On a perusal of the docket order enclosed along with the typed set of papers filed in the present revision petitions, this Court is of an opinion that there were many unnecessary adjournments were granted for the purpose of filing counter in the transfer applications filed by the revision petitioners. The reasons for adjournments are not provided. Contrarily, the transfer cases were adjourned in a routine manner without even relying the fact that the suits are pending on account of the transfer applications for more than three years. Such practice of granting routine adjournments are to be deprecated. The Courts while granting adjournments are bound to record some reasons or at least reason for adjournments must be somewhat on justifiable reasons. Some time, it may not be possible to record the reasons. However, on the face of it, it should be appeared that the adjournments granted was on justifiable reasons, otherwise an inference is necessarily to be drawn that the Courts are granting adjournments in a mechanical and routine manner. Such adjournments are creating certain advantages to either of the parties to the litigations. Thus, the Courts are bound to avoid such routine adjournments.

3.This Court is able to understand in granting adjournments in certain complicated cases for want of production of records or otherwise on genuine grounds. However, in a simple transfer application, if the petition is adjourned on many occasions without any justifiable reason then, it is to be viewed seriously.

4.The case on hand, is a classic case where the revision petitioner has filed the transfer applications to transfer four Civil Suits in O.S.Nos.258, 263 to 265 of 2012 on the file of the District Munsif Court, Thirumangalam. The main suit filed by the revision petitioner in O.S.No.774 of 2014 for declaration and permanent injunction is pending before the learned Subordinate Judge, Thirumangalam. At the out set, The transfer applications were filed to transfer all the four suits filed for permanent injunction along with the suit in O.S.No.774 of 2014 filed for the relief of declaration and permanent injunction, which is pending before the learned Subordinate Judge, Thirumangalam.



5. Under these circumstances, there may not be any difficulty in transferring the suits to Subordinate Court, Thirumangalam in view of the fact that there cannot be any inconvenience to the litigants, since all the suits are pending at Thirumangalam itself. Thus, the parties cannot raised any inconvenience in respect of conducting all the suits jointly. Under these circumstances, this Court is unable to understand for what purpose these transfer applications were kept pending before the Principal District Judge for the past 3 ½ years.

6. The conduct of the Principal District Judge shows total non application of mind, while dealing with the transfer applications, more specifically, for more than 3 ½ years. It is the duty mandatory on the part of the Judicial Officers to ensure that, while such simple applications are filed, the same is to be disposed of expeditiously. On a perusal of this transfer applications, this Court is of an opinion that there is no much mental exercise is required for the purpose of disposing this kind of cases. When there is no such hard exercise is required, then the Court should dispose of the petitions without causing any undue delay, enabling the litigants to proceed with the main suits before the Court concerned in accordance with law.

7. It is certainly painful for this Court to record these factors in view of the fact that a simple transfer petitions are kept pending for more than 3 ½ years and more specifically, the transfer is sought for from District Munsif Court, Thirumangalam to Subordinate Court, Thirumangalam. The only logic for the purpose of filing the transfer petitions are that the main suit in O.S.No.774 of 2014 is pending before the Subordinate Court, Thirumangalam and therefore, all the suits pending before the District Munsif Court, Thirumangalam are to be transferred for the purpose of joint trial and for effective adjudication of the litigations.

8. In this view of the matter, this Court is inclined to consider the present revision petitions. Accordingly, the learned Principal District Judge, Madurai is directed to dispose of all the transfer applications in Tr.O.P.Nos.82, 83, 84 & 85 of 2014, within a period of six weeks from the date of receipt of a copy of this Order. Accordingly, all these Revision Petitions stand allowed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar



To

1. The Principal District Judge, Madurai

2. The Tahsildar, Thirumangalam,
Taluk Office Campus,
Madurai Road,
Thirumangalam,
Madurai District.

3. The Head Surveyor,
Tirumangalam,
Taluk Office Campus,
Madurai Road, Tirumangalam,
Madurai District.

4. The District Collector,
Madurai, Having Office at
Collectorate Buildings,
Gandhi Nagar,
Madurai-20.

+1cc to Spl.Government Pleader Sr.No. 57673

+1cc to Mr.G.Mohankumar, Advocate Sr.No.57215

AM

VB/SV/MMS/SAR1/10.04.2018/4P/7C

C.R.P(D)Nos.551 to 554 of 2018 (PD)
22.03.2018