

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2019

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRP NPD No.1529 of 2019 and
CMP No.9997 of 2019

1. Sivakalaiammal
2. Elumalai
3. Semmalai
4. Sulochana
5. Kaathayee

... Petitioners

Vs.

1. Pachai
2. Vijayakumar
3. Raman
4. Muniammal

... Respondents

Prayer Civil Revision petition filed under Article 227 of the Constitution of India against the order dated 16.11.2018 passed in T.O.P.No.173 of 2015 by the Principal District Judge, Villupuram in O.S.No.155 of 2012 on the file of the Principal District Munsif, Thirukovilur.

For Revision Petitioners : Ms. S.Akila

ORDER

This revision petition has been filed against the order of the trial court, transferring the suit in O.S.No.155 of 2012 on the file of the I Additional District Munsif, Tirukoilur to the file of the Principal District Munsif, Villupuram.

2. The revision petitioners are the plaintiffs in the suit. They filed the suit for declaration and other consequential reliefs before the I Additional District Munsif, Tirukoilur. At this stage, an application had been filed by the defendants to transfer the above suit to the file of District Munsif, Villupuram on the ground that the 3rd defendant is a practicing advocate at Thirukoilur and the members of Thirukoilur Bar Association would not allow other advocates from outside to conduct the case. The said application was resisted by the plaintiffs on the ground that the petition had been filed only to delay the proceedings. The trial court allowed the application and ordered to transfer the case to the file of the District Munsif, Villupuram for disposal. Against which, this revision petition has been filed.

3. The learned counsel appearing for the revision petitioners would contend that no such resolution was passed by the Thirukoilur Bar Association that the other members from outside would not be permitted to appear on behalf of the members of the Thirukoilur Bar association and the reason stated by the defendants is only to protract the proceedings and hence, he prayed for allowing the revision.

4. I have gone through the orders passed by the trial court. No doubt, the suit has been originally filed before the file of the I Additional District Munsif, Thirukoilur. Subsequently, an application had been filed by the defendants to transfer the case to some other Munsif Court on the ground that one of the defendant is a practicing advocate in Thirukoilur Bar Association and therefore, it is difficult for them to engage a counsel from Villupuram, The Principal District Judge, Vilupuram allowed the application. No doubt, transfer of cases is not an automatic, but it has to be seen on the context of the allegations. The fact remains that one of the defendant is practicing advocate at Thirukoilur Bar Association. Though the alleged resolution has not been established, the person, who appeared from outside is

always find difficult to conduct the case against the advocates of Thirukoilur Bar Association. Particularly, when it is alleged that local bar members will not support the advocates from out side, in my view, the order of the trial court, transferring the suit to the file of the Principal District Munsif, Villupuram would not cause any prejudice to any one, because both the courts are situate in the same district. Therefore, mere transfer of suit to the other court for disposal, in my view, would not cause any prejudice to other side and the order passed by the trial court does not warrant any interference by this court.

5. However, taking into consideration the submission of the respondents that the transfer of suit would cause much delay, the I Additional District Munsif, Thirukoilur is directed to transfer the case records to the file of the Principal District Munsif, Villupuram, within a period of one week, from the date of receipt of a copy of this order and the Principal District Munsif, Villupuram is directed to dispose the suit within a period of 4 months from the date of receipt of the case records.

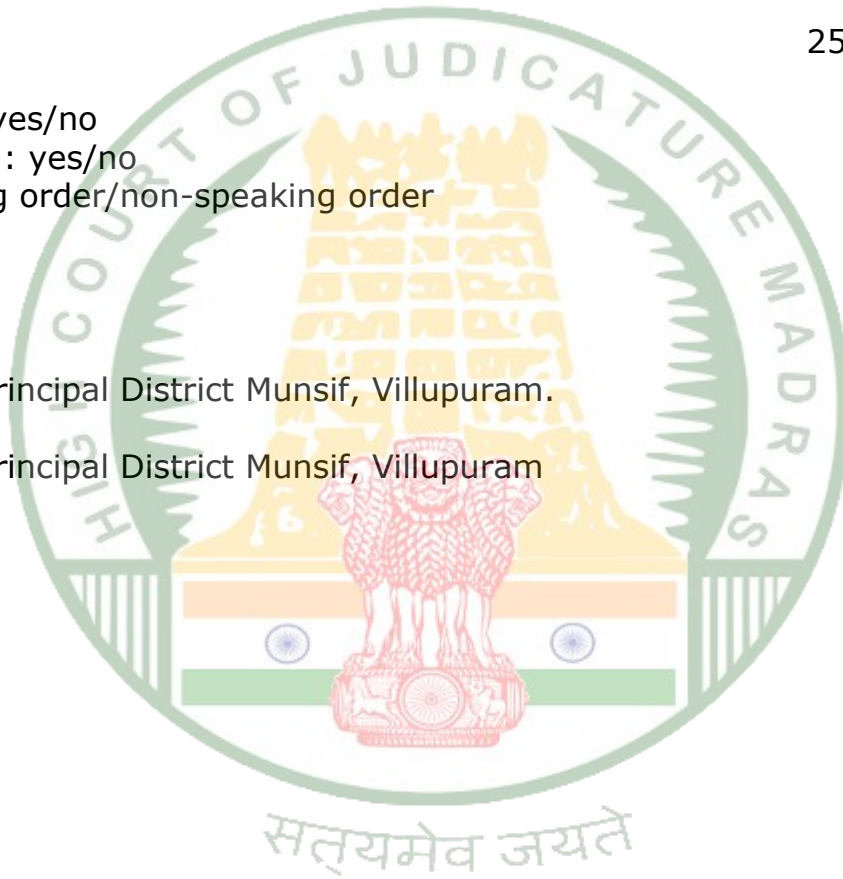
6. With the above observations, the civil revision petition is dismissed. No costs. The connected civil miscellaneous petition is closed.

25.04.2019

Index : yes/no
Internet : yes/no
Speaking order/non-speaking order
mst

To

1. The Principal District Munsif, Villupuram.
2. The Principal District Munsif, Villupuram



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N.SATHISH KUMAR. J.,
mst



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