



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM:

THE HONOURABLE Mr. JUSTICE KRISHNAN RAMASAMY

C.R.P. (MD) No. 1490 of 2019

and

C.M.P. (MD) No. 7880 of 2019

M. Subramanian

... Petitioner / Petitioner

Vs.

R. Muthumani

... Respondent / Respondent

Prayer: The petition filed under Article 227 of the Constitution of India, against the order dated 02.04.2019 in T.O.P.No.47 of 2018 passed by the Principal District Judge, Pudukkottai.

For Petitioner	: Mr. J. Anandkumar
For Respondent	: Mr. K. Balasundharam

ORDER

This Civil Revision Petition has been filed against the dismissal order dated 02.04.2019 passed in T.O.P.No.47 of 2018 by the Principal District Judge, Pudukkottai.

2. The learned counsel appearing for the petitioner submits that the petitioner has filed the transfer original petition on the ground of misunderstanding arose between the lawyers at Aranthangi and the petitioner and due to which, a police complaint has also been preferred. Further, the lawyers at Pudukkottai are not willing to come to Aranthangi Court to represent the petitioner's case. However, the Court below dismissed the said petition, observing that the petitioner can engage lawyers from some other Court.

3. The learned counsel appearing for the respondent fairly submits that without admitting the contentions raised by the petitioner, he agrees to transfer the suit in O.S.No.173 of 2008 pending on the file of the Sub Court, Aranthangi to the Sub Court, Pudukkottai.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

5. It is seen that on account of some dispute arose between the petitioner and the lawyers at Aranthangi, a police complaint has been preferred and further, the lawyers from Pudukkottai also hesitate to come to the Sub Court, Aranthangi to represent the case of the petitioner. In these circumstances, if lawyers from some other Court, except Aranthangi and Pudukkottai, the enmity will prevail and it will create additional burden to the petitioner by means of costs. However, the Court below did not look into these



aspects while dismissing the said T.O.P. Therefore, this Court is inclined to set aside the order passed in the T.O.P. by considering the facts and circumstances of the case and also the submissions made on either side.

6. Accordingly, the suit in O.S.No.173 of 2008 pending before the Sub Court, Aranthangi is hereby transferred to Sub Court, Pudukkottai. The Sub Court, Aranthangi is directed to transfer the case records relating to the said suit, within a period of 2 weeks from the date of receipt of a copy of this order.

7. The suit in O.S.No.173 of 2008 is filed for specific performance and the same is pending from 2008 onwards. In view of the Judicial Notification No.C-5 CAS/2007, Tamil Nadu (Case Flow Management in Subordinate Courts) Rules, 2007, the period of disposal of the suit is 2 years from the date of filing. In view of the same, the Sub Court, Pudukkottai is hereby directed to dispose of the suit, within a period of 6 months from the date of transferring the suit from the Sub Court, Aranthangi.

8. This Civil Revision Petition is disposed of accordingly. No costs. Consequently, connected C.M.P. is closed.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Sub Court, Pudukkottai.
2. The Sub Court, Aranthangi.

+1 CC to Mr.K.BAALASUNDHARAM, Advocate (SR-88752[F] dated 24/09/2019)

+1 CC to Mr.J.ANANDKUMAR, Advocate (SR-89073[F] dated 25/09/2019)

C.R.P. (MD) No.1490 of 2019
23.09.2019

nbj

VB(18.10.2019) 2P 5C