



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2020

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

WEB COPY

C.R.P. (MD) No. 2505 of 2015

and M.P. (MD) No. 1 of 2015

1. P.S.D. Krishnasamy Nadar
2. P.S.D. Narayanan
3. P.S.M. Ramanathan
4. P.S.D.S. Vaikunta Lakshmi
5. P.S.D.S. Dharmalingam
6. P.S.D.S. Sureshkumar
7. P.S.D.S. Gowsalya Devi
8. P.S.D.S. Rukmani Devi
9. P.S.D.S. Narayanasamy
10. P.S.D.S. Thangasamy
11. P.S.D.S. Madhavan

...Petitioners/R-1 to 5, 7,8, 10 to 13

vs.

1. R. Jeyachandra
2. P.S.A. Rajaguru
3. P.S.D.S. Jeyanthi
4. P.S.D.S. Ramaiah
5. P.S.R. Pandurengan
6. P.S.D. Rajagopal
7. P.S.D.D. Jeyaraman
8. P.S.S. Pitchaikani Ammal
9. Balakrishnan
10. P.S.S. Deivalakshmi
11. P.S. Asupathi
12. Jeyalakshmi
13. P.S.S.D. Jegadeesan
14. P.S.S.D. Thamarai Kannan
15. P.S.S.D. Jegadambal
16. P.S.A. Atchuthan
17. P.S.L. Paulsamy
18. P.S.L. Jegaratchagan
19. Chandra Pushpam
20. Santhakumari
21. Kalaiselvi
22. Sathayabama
23. Anantha Rishikesan
24. P. Anandhi
25. P.S.M.R. Sureshkumar
26. P.S.M.R. Muthukumar
27. V. Suthalakshmi
28. P.S.A.V. Jeyapal
29. P.S.A.V. Srinivasan



30.P.S.A.V.Ravikumar
31.R. Savithiri
32.P.S.A.V. Ashok Kumar
33.S.Latha

... Respondents/Petitioner Nos.1 & 2/
R-6,9 & 14 to 42

PRAYER: Petition filed under Article 227 of Constitution of India, to set aside the Fair and Executable Order, dated 07.09.2015 passed in Tr.O.P. No.195 of 2015 on the file of the Principal District Court, Tuticorin by allowing this Civil Revision Petition.

For Petitioners : Mr.D. Nallathambi
For R-1 & R-2 : Mr.P. Sivachandran
For R-3 : No appearance

ORDER

This petition has been filed to set aside the Fair and Executable Order, dated 07.09.2015 passed in Tr.O.P. No.195 of 2015 on the file of the Principal District Court, Tuticorin by allowing this Civil Revision Petition.

2. The learned counsel appearing for the revision petitioners would submit that the respondent Nos.1 & 2 herein have filed a petition in Tr.O.P. No.195 of 2015 under Section 24 of C.P.C., before the Principal District Court, Tuticorin District, seeking transfer of suit in O.S. No. 296 of 2014 from the file of the District Munsif Court, Kovilpatti to any other District Munsif Court in the same District and the said Tr.O.P. No.195 of 2016 was allowed by order, dated 07.09.2015 and directed to transmit the O.S. No. 296 of 2014 from the file of the District Munsif Court, Kovilpatti to the file of the District Munsif Court, Sathankulam and the parties were directed to appear before the District Munsif Court, Sathankulam by 01.10.2015. Aggrieved over the same, this Civil Revision Petition has been filed.

3. The learned counsel appearing for R-1 & R-2 would submit that the respondents have filed the Tr.O.P.No.195 of 2015 raised some allegations against the learned District Munsif, Kovilpatti. He would further submit that the suit is still pending.

4. Heard the learned counsel appearing for the revision petitioners and the learned counsel appearing for R-1 & R-2.

5. Considering the submission on either side, the respondent Nos.1 & 2 herein have filed the said Tr.O.P. No.195 of 2015 along with 33 others and raised some allegations against the learned District Munsif, Kovilpatti and the suit in O.S. No. 296 of 2014 is still pending. Now, the post of the learned District Munsif, Kovilpatti is vacant and hence, transfer of the suit is not necessary and the prayer seeking for transfer is infructuous.



3

6. In the result, the Civil Revision Petition is allowed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

WEB COPY

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ksa

To

1. The Principal District Court, Tuticorin.

2. The Section Officer, (2Copies)
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-25636[F] dated
15/12/2020)

C.R.P. (MD) No. 2505 of 2015
15.12.2020

PM(CO)

KB(29.12.2020) 3P 5C