



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2021

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

C.R.P. (PD) (MD)No.1748 of 2014

and M.P.(MD).No.1 of 2014

WEB COPY

A.Dharmaraj

.. Revision Petitioner/Petitioner

-Vs-

S.Marimuthu

.. Respondent/Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order passed by the learned Principal District Judge, Pudukottai in T.O.P.No.58 of 2013, dated 05.04.2014.

For Petitioner : No Appearance

For Respondent : Mr.P.Thiyagarajan

ORDER

This Civil Revision Petition has been filed seeking to set aside the fair and decreetal order, dated 05.04.2014 in T.O.P.No.58 of 2013, passed by the learned Principal District Judge, Pudukottai and to direct the transfer of O.S.No.226 of 2013 pending on the file of the District Munsif Court, Pudukottai to some other District Munsif Court, within Pudukottai District.

2.Today when the matter is taken up for hearing, there is no representation for the petitioner. This Court perused the materials available on record and heard the learned counsel appearing for the respondent.

3. The brief facts of the case is as follows:

It is the case of the petitioner that he is the defendant in O.S.No.226 of 2013 on the file of the District Munsif Court, Pudukottai. The respondent had filed a suit against the petitioner in O.S.No.100 of 2008 before the very same Court seeking compensation for the damages caused to the petitioner. The above suit in O.S.No.100 of 2008 was dismissed by the Court. However while discussing the issue the learned Judge had made some observation against the petitioner in respect of possession of the property. Apprehending that the finding in O.S.No.100 of 2008 by the District Munsif, Pudukottai would be detrimental and thereby apprehending bias the petitioner had filed TOP No. 58 of 2013 before the Principal District Court, Pudukottai to transfer O.S.No.226 of 2013 from the file of the District Munsif, Pudukottai to some other District Munsif Court in Pudukottai District. The learned District Judge finding that the apprehension of the petitioner is not *bonafide* had dismissed the petition seeking for transfer by order dated 05.04.2014, against which the present petition has been



filed.

4.The learned counsel for the respondent would submit that the suit is of the year 2013 and the petitioner based on certain observation made by the District Munsif in connected suit in O.S.NO.100 of 2008 had apprehended that the learned District Munsif who has tried O.S.No.226 of 2013 was biased against him and thereby filed the petition for transfer. The District Court finding that the apprehension of the petitioner is not *bonafide* had dismissed the petition. The learned counsel would further submit that much water has flown and the Judicial Officer who was there during the relevant point of time has been transferred and new judicial officer has been posted and thereby the claim of bias by the earlier judicial officer cannot be sustained now, hence he seeks dismissal of the petition.

5. In this case the petitioner apprehending that the trial Judge is biased against him had filed petition seeking for transfer. The petitioner has been filed in the year 2013. Much water has flown and now we are here after eight years. The concerned Judicial Officer would have been transferred now. Further, the District Court had found that the apprehension of the petitioner is not *bonafide*. I do not find any infirmity in the order passed by the learned District Judge.

6. In view of the above, this Civil Revision Petition is dismissed. No costs. Consequently connected miscellaneous petition is also closed. However taking into consideration the fact that the suit is of the year 2013, direction is issued to the concerned Court to dispose of the suit in O.S.No.226 of 2013, pending on his file, as expeditiously as possible

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM/aav

To

- 1.The Principal District Judge,Pudukottai.
- 2.The District Munsif, Pudukottai.

Copy to:-

- 3.The Record Keeper, E.R/V.R. Section,
Madurai Bench of Madras High Court, Madurai.

C.R.P. (PD) (MD)No.1748 of 2014

10.08.2021

RD(24.08.2021) 2P 5C

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