



Tr.CMP No.1246 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-12-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.1246 of 2022

and

C.M.P.No.21149 of 2022

Tmt.A.Nazira

.. Petitioner

VS.

Tmt.A.Malliga Bee

.. Respondent

PRAYER : This Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the case in EP No.76 of 2020 on the file of the District Munsif Court, Chengalpet, Chengalpet District and transfer the same to the file of the Principal District Munsif Court, Tindivanam, Villupuram District.

For Petitioner : Mr.M.Arumugam



Tr.CMP No.1246 of 2022

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ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw the EP No.76 of 2020 from the file of the District Munsif Court, Chengalpattu to the file of the Principal District Munsif Court at Tindivanam, Villupuram District.

2. The ground for transfer mainly raised is that the petitioner, who is the judgment-debtor filed a memo before the District Munsif Court at Chengalpattu in EP No.76 of 2020 and the learned District Munsif has not considered the said memo and therefore, the learned counsel for the petitioner states that the petitioner has not having faith on the Court.

3. During an adjudication of litigation, asking certain clarifications or raising questions would not be a ground to form an opinion that the Court will decide in a particular manner. Opinions expressed during the debate in Court Halls cannot be construed as conclusive in respect of the decision to



Tr.CMP No.1246 of 2022

be taken by the Court concerned. Adjudication involves a debate. Healthy and creative debate in Court Halls would produce good judgments through Courts. Thus debate is between the Members of the Bar and the Judicial Officer concerned.

4. During the course of adjudication, if at all any opinion is formed by any one of the litigant, the said opinion cannot be a ground to consider for transferring the case from one Court to another Court. In the absence of any clinching evidence to form an opinion that the Judicial Officer is biased or otherwise, the High Court will not be in a position to consider the Transfer Petition.

5. Mechanical approach in the matter of transfer of cases from one Court to another Court, would frustrate the minds of the Trial Court Judges and therefore, the transfer of case is to be considered only in the event of any strong evidence to establish that the grounds raised are genuine and acceptable.



Tr.CMP No.1246 of 2022

WEB COPY

6. In the present case, the petitioner states that a memo was filed, which was not considered by the learned District Munsif, Chengalpattu. If it is not numbered and final order has been passed, thereafter an aggrieved person has to go for an appeal in the manner contemplated. Contrarily, they cannot file a transfer petition with an idea to protract and prolong the issues, which cannot be appreciated by the High Court.

7. The learned counsel for the petitioner submitted that the memo filed by the petitioner is to be considered. It is for the Court concerned to consider the facts and circumstances and take decision and deliver judgment. In the said process, the High Court would not interfere in a casual manner and therefore, this Court is of an opinion that the grounds raised in the present petition for transfer of case are untenable and insufficient.

8. With the abovesaid observations, the Transfer Civil Miscellaneous Petition stands dismissed. However, there shall be no order as



Tr.CMP No.1246 of 2022

to costs. Consequently, the connected miscellaneous petition is also dismissed.

07-12-2022

Speaking Order/Non-Speaking Order.

Internet : Yes/No.

Index: Yes/No.

Svn

To

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

2.The District Munsif,
Chengalpet.



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Tr.CMP No.1246 of 2022

S.M.SUBRAMANIAM, J.

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Tr.CMP No.1246 of 2022

07-12-2022