



WEB COPY



C.R.PPD.No.1145 of 2023

IN THE HIGHCOURT OF JUDICATURE AT MADRAS

Dated : 19/6/2023

C O R A M

THE HONOURABLE Dr.JUSTICE D.NAGARJUN

Civil Revision Petition PD No.1145 of 2023
and
C.M.P.No.7961 of 2023

T.M.S.Rajendran ... Petitioner

Vs

1. C.S.Velusamy

Rajammal (died)

2. Poovammal ... Respondents

Prayer: Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order of the Principal District Judge, Coimbatore, dated 23/2/2023 in Transfer O.P.No.428 of 2022.

For Petitioner ... Mr.T.Dheeraj
for M/s.PV Law Associates

For respondents ... Mr.K.Magesh

- - - - -



WEB COPY



C.R.PPD.No.1145 of 2023

ORDER

This Civil Revision Petition is filed, aggrieved by the orders passed in Transfer O.P.No.428 of 2022, on the file of the learned Principal District Judge, Coimbatore, seeking to transfer O.S.No.1556 of 2005, pending on the file of the learned District Munsif, Coimbatore, to any other District Munsif Court.

2. Brief facts which are necessary for the disposal of this Civil Revision Petition are as follows:-

The petitioner has filed O.S.No.1556 of 2005 before the Principal District Munsif, Coimbatore, against the respondents seeking for a declaration, partition and permanent injunction. After pleadings are over and issues are framed, the petitioner was examined as P.W.1 and has marked Exs.A.1 to A.24 on his side.

3. When the matter is posted for cross-examination of P.W.1, by the defendants, a memo has been filed by the petitioner, stating that he has



C.R.PPD.No.1145 of 2023

no confidence and not willing to conduct the case, before the Judicial

Officer of the Principal District Munsif, Coimbatore. Hence, the petitioner has filed Tr.C.M.P.No.428 of 2022, seeking for the transfer of O.S.No.1556 of 2005, to any other District Munsif, Coimbatore. Vide, order, dated 23/2/2023, the learned Principal District Munsif, Coimbatore has dismissed the petition, with costs of Rs.3,000/- to be paid to the District Legal Services Authority, Coimbatore, on or before 3/3/2023. Being aggrieved, the petitioner has come forward with the instant Civil Revision Petition.

4. Heard Mr.T.Dheeraj, learned counsel for the petitioner and Mr.K.Magesh, learned counsel for the respondents.

5. The learned counsel appearing for the petitioner submitted that the learned District Judge has failed to consider the apprehension raised by the petitioner, in Memo, dated 7/12/2022. The petitioner, who has made certain remarks against the judicial Officer, he has not filed an affidavit. The petitioner is not expected to make allegations against the judicial Officer, without putting them in writing and without placed any material before the Court.



C.R.PPD.No.1145 of 2023

WEB COPY

6. On a perusal of the affidavit filed before this Court, the petitioner has stated that he has filed a memo, before the trial Court, stating that he has got a mis-trust on the Presiding Officer, as the Judicial Officer is not conducting the proceedings, in the manner in which he ought to have conducted.

7. Further, the transfer petition filed by the petitioner has been dealt with by the learned Principal District Judge, who has got administrative control over the District Munsif. If at all there is any iota of truth in the allegations levelled against the petitioner, certainly the learned Principal District Judge should have come to the rescue of the petitioner and would have transferred the case to some other Court. The fact that the transfer petition filed by the petitioner was dismissed by the learned Principal District Judge with exemplary costs of Rs.3,000/- (Rupees Three thousand only) would indicate that the allegations made by the petitioner against the Presiding Officer have no basis. Considering the circumstances, there are no merits in the allegations levelled against the petitioner and therefore, this Civil Revision Petition is liable to be



C.R.PPD.No.1145 of 2023

dismissed.

WEB COPY

8. Accordingly, this Civil Revision Petition is dismissed. No costs.

Consequently, the connected Miscellaneous Petition is closed.

19/6/2023

Index :yes/no

Neutral Citation: Yes/No

mvs.

To

The Principal District Judge, Coimbatore.



WEB COPY



C.R.PD.No.1145 of 2023

Dr.D.NAGARJUN,J

mvs.

C.R.PD.No.1145 of 2023

19/6/2023



WEB COPY



C.R.PD.No.1145 of 2023