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C.R.P.Nos. 3508 of 2022 & 3423, 3424
& 4558 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.Nos. 3508 of 2022 & 3423, 3424 & 4558 of 2023

and

C.M.P.No.18676 of 2022 & 27285 of 2023

C.R.P.No. 3508 of 2022

M.M.Rangasamy

-Vs-

... Petitioner

1. Arokiasamy

2. Baby Arokiasamy

... Respondents

Prayer in C.R.P.No.3508 of 2022 : Civil Revision Petition is filed under

Article 227 of the Constitution of India, praying to set aside the order in

I.A.No.3 of 2021 in A.S.No.21 of 2021 dated 25.07.2022 on the file of III

Addl. District Judge, Gobichettipalayam.

C.R.P.No. 3423 of 2023

1. A.Arokiasamy

2. Baby Arokiasamy

-Vs-

... Petitioners



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1. M.M.Rangasamy
2. R.Srinivasan ... Respondents

Prayer in C.R.P.No.3423 of 2023 : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to issue appropriate direction to dispose the appeal suit pending in A.S.No.21 of 2021 on the file of learned III Addl. District Judge, Gobichettipalayam.

C.R.P.No. 3424 of 2023

1. A.Arokiasamy
2. Baby Arokiasamy ... Petitioners
-Vs-

1. M.M.Rangasamy
2. R.Srinivasan ... Respondents

Prayer in C.R.P.No.3423 of 2023 : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to issue appropriate direction to dispose the appeal suit pending in A.S.No.22 of 2021 on the file of learned III Addl. District Judge, Gobichettipalayam.

C.R.P.No. 4558 of 2023

M.M.Rangasamy ... Petitioner
-Vs-

1. Arokiasamy
2. Baby Arokiasamy
2. R.Srinivasan ... Respondents



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Prayer in C.R.P.No.4558 of 2023 : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order in Tr.O.P. No.105 of 2022 dated 02.06.2023 on the file of Principal District Judge, Erode to secure ends of justice.

For Petitioner in C.R.P.
No.3508 of 2022 : Mr. R.Sankarasubbu

For Respondents in C.R.P.
No.3508 of 2022 : Mr. M.Guruprasad

For Petitioners in C.R.P.
Nos.3423 & 3424 of 2023 : Mr. M.Guruprasad

For Respondents in C.R.P.
Nos.3423 & 3424 of 2023 : Mr. R.Sankarasubbu

For Petitioner in C.R.P.
No.4558 of 2023 : Mr. R.Sankarasubbu

For Respondents in C.R.P.
No.4558 of 2023 : Mr. M.Guruprasad



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ORDER

The Civil Revision Petition in C.R.P. No. 3508 of 2022 has been filed challenging the impugned order passed in I.A.No.3 of 2021 in A.S.No. 21 of 2021 passed by the III Addl. District Judge, Gobichettipalayam.

2. The Civil Revision Petitions in C.R.P.Nos. 3423 and 3424 of 2023 have been filed seeking to dispose the appeal suits in A.S.Nos. 21 and 22 of 2021 within a stipulated time as fixed by this court.

3. The Civil Revision Petition in C.R.P.No.4558 of 2023 has been filed challenging the impugned order passed in Tr.O.P.No. 105 of 2022 passed by the learned Principal District Judge, Erode.

4. The Revision Petitioner in C.R.P.Nos.3508 of 2022 and 4558 of 2023 is the appellant in Appeal Suits in A.S.Nos. 21 and 22 of 2021 and he prayed to transfer the both appeal suits from the file of III Addl. District and Sessions Judge Court, Gobihettipalayam to the file of learned Principal District and Sessions Judge Court, Erode stating that the Presiding Officer of the court already made up his mind against the



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interest of the Revision Petitioner, which itself clearly shows that while deciding the stay petition filed by him. On that ground, he prayed to transfer the appeal suits.

5. The learned counsel for respondent would submit that the Revision Petitioner/appellant has filed stay application in I.A.No.3 of 2021 and the same was dismissed by the trial judge. Accordingly, the Revision Petitioner preferred a Transfer Original Petition to transfer the appeal suits to the other court. On hearing both side submissions in the Transfer Original Petition filed by the revision petitioner/appellant in Tr.O.P.No. 105 of 2022, the learned Principal District Judge dismissed the said petition stating that the reason for the transfer made by the appellant was a bald allegation with mere presumption cannot be entertained to transfer the appeal suit. Challenging the said findings, the Revision Petitioner/appellant preferred Civil Revision Petition in C.R.P. No. 4558 of 2023.

6. The learned counsel for Revision Petitioner would submit that while disposing the said application, the Presiding Officer of the court is acting against the interest of appellant in the open court. So, the necessity arose for him seeking to transfer the appeal suits. But, by way of reply, the



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learned counsel for respondent would submit that only to drag on the proceedings, the Transfer Original Petition was filed, however, he insisted the court to grant stay, but it was negatived. Aggrieved over the same, the Transfer Original Petition was filed and the same was rightly dismissed by the first appellate judge.

7. On considering both side submissions, the fact reveals that the appeal suits filed by the Revision Petitioner is pending before the III Addl. District Judge, Erode District @ Gobichettipalayam. In that appeal suits, he filed an application in I.A.No.3 of 2021 praying to grant stay and the same was dismissed by the first appellate judge on hearing both sides. Against which, he preferred a Civil Revision Petition in C.R.P.No. 3508 of 2022. In view of the order passed in C.R.P.No.4558 of 2023 transferring the matter to the file of Principal District Judge, Erode, the Civil Revision Petition in C.R.P.No. 3508 of 2022 is closed.

8. On considering the above facts and circumstances of the case and considering both side submissions, it reveals that the Revision Petitioner was aggrieved by the dismissal of stay application filed by him before the first appellate court. Immediately, after the dismissal of stay application, the Transfer Original Petition was preferred before the first appellate court



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stating that the Presiding Officer of the court has made up his mind against the interest of Revision Petitioner. The said inference cannot be drawn against the officer, since because the first appellate judge dismissed the stay application on merit by hearing both sides. Therefore, the allegation made against the Presiding Officer based on assumption cannot be entertained and the same was rightly observed by the District Judge while disposing Tr.O.P. Since he raised allegation against the Presiding Officer, it would disturb the proceedings of the court. However, the reasons assigned by the Revision Petitioner to transfer the case as such is not acceptable one. But, in order to avoid further complications, this Court is inclined to transfer both the appeal suits in A.S.Nos. 21 and 22 of 2021 to the file of Principal District Court, Erode and the Principal District Judge, Erode is directed to dispose the appeal within a period of two months from the date of receipt of copy of this order. Accordingly, the Civil Revision Petition No. 4558 of 2023 is disposed of.

9. Furthermore, on perusal of entire facts, it would reveals that the appeal suits are pending from the year of 2021. So, the respondents have filed the Civil Revision Petitions in C.R.P.Nos. 3423 and 3424 of 2023 praying for speedy disposal of those appeal suits, since one of plaintiffs is



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aged more than 65 years and both parties are senior citizens. Accordingly, the Civil Revision Petitions in C.R.P.Nos.3423 and 3424 are disposed of and the learned Principal District Judge, Erode is directed to dispose both the appeal suits within a period of two months from the date of receipt of copy of this order. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

01.12.2023

Index : Yes/No
Speaking Order : Yes/No
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To

1. The III Additional District Judge, Erode District at Gobichettipalayam.
2. Principal District Judge, Erode.



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T.V.THAMILSELVI, J.

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