



C.R.P.(MD)No.2648 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 16.11.2023

Delivered on : 08.12.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2648 of 2023

and

C.M.P.(MD)Nos.13810 and 13811 of 2023

S.Sujatha

: Petitioner/Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep., by its District Collector,
Trichy District, Collector Office,
Cantonment, Tiruchirappalli.
- 2.The Thasildar,
Tiruchirappalli West,
Thasildar Office, Trichy West Office,
Tiruchirappalli – 1.
- 3.S.Jayalakshmi
- 4.M.Sumathi
- 5.B.Kala
- 6.R.Uma



C.R.P.(MD)No.2648 of 2023

WEB COPY

7.R.Sudha

8.S.Surya

: Respondents/Respondents.

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 01.09.2023 passed in Transfer Original Petition No.236 of 2023 on the file of the Principal District Judge, Tiruchirappalli.

For Petitioners : Mr.M.P.Senthil

For Caveators : Mr.K/R.Kishore Ram,
for R3, R4, R5 and R7

ORDER

The Civil Revision Petition is directed against the order passed in Transfer Original Petition No.236 of 2023, dated 01.09.2023 on the file of the Principal District Judge, Tiruchirappalli, dismissing the petition filed under Section 24 of C.P.C., seeking orders to transfer the suit in O.S.No.420 of 2017 and O.S.No.526 of 2017 pending on the file of the Principal District Munsif Court, Tiruchirappalli to some other Munsif Court in Tiruchirappalli.



C.R.P.(MD)No.2648 of 2023

WEB COPY 2. The revision petitioner and his son have filed a suit in O.S.No.526 of 2017 claiming reliefs to declare that the plaintiffs therein are the legal heirs of the deceased S.Subramaniyam and for consequential mandatory injunction, directing the Thasildar, Tiruchirappalli, West Taluk to issue a legal heirship certificate to the plaintiffs and the same was pending on the file of the II Additional District Munsif Court, Tiruchirappalli.

3. The respondents 3 to 7 herein have filed a suit in O.S.No.420 of 2017, seeking reliefs to declare that the plaintiffs therein are the legal heirs of the deceased Subramaniam and consequential relief of mandatory injunction directing the Thasildar, West Taluk Office to issue legal heirship certificate to the plaintiffs and the same was pending on the file of the Principal District Munsif Court, Tiruchirappalli.

4. The respondents 3 to 7 have moved a transfer petition in Transfer Original Petition No.15 of 2020 and as per the order passed on 04.06.2021, the suit in O.S.No.526 of 2017 pending on the file of the II Additional District Munsif Court was ordered to be withdrawn and transferred to the file of the Principal District Munsif Court for trying the same jointly with



C.R.P.(MD)No.2648 of 2023

the suit in O.S.No.420 of 2017 pending on the file of the Principal District Munsif Court, Tiruchirappalli.

5. The revision petitioner, aggrieved by the order passed in Transfer Original Petition No.15 of 2020, has preferred a revision in C.R.P.(PD) (MD)No.1190 of 2021 and this Court, after hearing both sides, dismissed the revision and further directed the trial Court to complete the trial and dispose of the suits within a period of six months. Thereafter, the trial was commenced and the evidence was recorded in O.S.No.420 of 2017 and after examination of the respondent as P.W.2, they have filed an application to recall P.W.2 for further examination in I.A.No. 9 of 2023 and after enquiry, the same was ordered to be allowed and that the revision petitioner herein has filed a revision in C.R.P.No.1401 of 2023 and this Court by enhancing the cost imposed by the trial Court, dismissed the revision.

6. When the trial was in part-heard stage, the revision petitioner has filed a transfer original petition by alleging that both suits were posted day-to-day for speedy disposal; that whenever the respondents seeking adjournments, the learned Principal District Munsif immediately adjourned the suit hearings, but whenever the petitioner side seeks adjournment, the



C.R.P.(MD)No.2648 of 2023

Court vehemently refused to adjourn the suits and insisting the petitioner to proceed with the suit immediately; that the petitioner has now apprehends that the Presiding Officer of that Court is acting in favour of the respondents and as such, the petitioner cannot expect to get justice from the said Court and that since the Presiding Officer of that Court is acting biasedly, the petitioner is not in a position to continue the suit before the said Court.

7. The respondents 3 to 7 have filed counter statement raising serious objections for transferring the case and further stated that the above petition came to be filed only to drag on the proceedings. The learned Principal District Judge, after enquiry, has passed the impugned order, dismissing the petition.

8. As rightly pointed out by the learned counsel for the respondents, the only reason canvassed by the revision petitioner is that the Presiding Officer has been granting adjournments at the request made by the respondents, but, whenever the revision petitioner side seeks adjournment, the Court by refusing the adjournment has been insisting to proceed with the case and that the Presiding Officer is acting in favour of the respondents.



C.R.P.(MD)No.2648 of 2023

WEB COPY

9. When the matter was taken up for hearing on 16.10.2023, the learned counsel for the petitioner sought time for production of 'B' diary and after taking two adjournments, they have filed the additional typed set of papers with copies of 'B' diary. The learned counsel for the petitioner would fairly concede that there is no entry to show that the case was being adjourned at the instance of the respondents and the prayer for adjournment made by the revision petitioner was refused.

10. As already pointed out, this Court ,while dismissing the earlier revision, has directed the trial Court complete the trial and dispose of the case within a period of six months and that the order came to be passed as early as on 07.09.2021 and the time stipulated by this Court got expired long back. Just because, the Court is insisting to proceed with the trial and that too as directed by this Court, the same by no stretch of imagination can be taken as a valid reason or ground for transferring the case. Except the above, the revision petitioner has not canvassed any other acceptable reason or ground for transferring the suits.



C.R.P.(MD)No.2648 of 2023

11. On considering the facts and circumstances of the case and also taking note of the fact that the revision petitioner has not canvassed any valid reason or ground for accepting the transfer plea, the impugned order dismissing the transfer petition cannot be found fault with and this Court is in entire agreement with the findings recorded by the learned Principal District Judge, Trichy. Consequently, this Court concludes that the Civil Revision is devoid of merits and the same is liable to be dismissed.

12. In the result, the Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. Since the direction for early disposal of the suits was not complied with till now, the learned Principal District Munsif, Trichy, is hereby directed to complete the trial and dispose of the suits in O.S.No. 420 of 2017 and O.S.No.526 of 2017 within a period of two months from the date of receipt of copy of this order. No costs.

08.12.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
das



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C.R.P.(MD)No.2648 of 2023

To

- 1.The Principal District Judge, Trichy.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P.(MD)No.2648 of 2023

K.MURALI SHANKAR,J.

das

Pre-delivery order made in
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and
C.M.P.(MD)Nos.13810 and 13811 of 2023

Dated : 08.12.2023