



Tr.C.M.P.(MD)Nos.782 & 783 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **23.02.2023**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Tr.C.M.P.(MD)Nos.782 & 783 of 2022

and

C.M.P.(MD)Nos.12563 & 12566 of 2022

M.Kumarasamy ... Petitioner in Tr.C.M.P.(MD)Nos.782 of 2022

1.M.Kumarasamy

2.K.Jothi Rani ... Petitioners in Tr.C.M.P.(MD)Nos.783 of 2022

Vs.

M/s.ARA Investments & Finance (P) Ltd.,
Represented by its Director,
N.Vellayan @ Srinivasan

... Respondent in both petitions

COMMON PRAYER: Transfer Civil Miscellaneous Petitions are filed under Section 24 of Code of Civil Procedure, to withdrawn the cases in O.S.No.47 of 2009 and O.S.No.23 of 2006 on the file of the District Judge, Tiruchirappalli and transfer the same to the District Judge, Pudukkottai.



In both petitions:

For Petitioners : Mr.M.Kumarasamy (Party in person)

For Respondent : Mr.Raghuvaran Gopalan

COMMON ORDER

These petitions arise out of the suits in O.S.No.47 of 2009 and O.S.No.23 of 2006 pending on the file of the III Additional District Court, Tiruchirappalli. The defendants in both the suits have filed these petitions. Both the suits have been filed for recovery of money arising out of certain business transactions between the plaintiff and the defendants. The suits are pending for more than 12 years. These petitions have been filed with the allegations that the presiding officer has expressed anguish in abusive terms against the petitioners and he has not considered the petitioners' side of arguments and he was adjourning the case very shortly. These are the common allegations in both the petitions.

2. A perusal of para 3 of the affidavits filed in support of these petitions will indicate that the petitioner, who is party in person, namely,



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M.Kumarasamy is very much aggrieved over the short adjournments that are being passed by the learned Judge and being a party in person, some indulgence has been shown. However, the party in person seems to be taking time and filing application after application, which has resulted in the learned Judge expressing his anguish to the party in person. Any oral observations made by the learned Judge cannot be considered to the effect that he is biased as against the petitioners / the defendants.

3. In view of the above, I do not find any merit in the allegations made against the presiding officer of both the suits and accordingly. these Transfer Civil Miscellaneous Petitions are dismissed. However, III Additional District Judge, Tiruchirappalli, is directed to dispose of the aforesaid suits on or before 31.08.2023 and report back to the Registry. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

23.02.2023

NCC : Yes / No
Index : Yes / No
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R.VIJAYAKUMAR, J.

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To

- 1.The III Additional District Judge, Tiruchirappalli.
- 2.The District Judge, Tiruchirappalli.
- 3.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

Common Order made in
Tr.C.M.P.(MD)Nos.782 & 783 of 2022



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