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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A.(MD)No.212 of 2024

and

C.M.P.(MD)No.1838 of 2024

S.Ashok Kumar : Appellant

Vs.

1.Regional Transport Authority,
Madurai Town,
Madurai.

2.Thirumal Alagu Trucks,
Represented by its Managing Partner,
Mr.R.Vignesh Marimuthu,
361-A, Periyakulam Road,
Theni, Theni District.

3.S.Vijayakumar : Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order passed by this Court in W.P.(MD) No.15537 of 2023 dated 22.11.2023.

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For Appellant : Mr.C.Senthil Murugan
For Respondents : Mr.J.Jeyakumaran

JUDGMENT
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[Judgment of the Court was delivered by **D.KRISHNAKUMAR, J.]**

This Writ Appeal has been preferred as against the order passed by this Court in W.P.(MD)No.15537 of 2023 dated 22.11.2023.

2.The learned Single Judge has issued a direction to the concerned Court to dispose of the suit in O.S.No.170 of 2018 within a period of six months. The petitioner apprehends that an adverse order may be passed by the concerned Civil Court, since the learned Single Judge has observed in the impugned order that the Civil Court has to decide as to whether the stage carriage has been transferred based on a forged document or not. Hence, the petitioner has preferred the present Writ Appeal.

3.Learned Counsel for the third respondent would submit that the Court has clearly recorded the statement of the third respondent and has made the said observation. The same has to be decided by the Civil Court and therefore it is only the apprehension

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of the appellant. Hence, the impugned order warrants no interference.

4.Of course, the Writ Court has recorded the statement of the third respondent and made the aforesaid observation. However, it is the apprehension of the appellant that the said observation will influence the Civil Court in deciding the suit in O.S.No.170 of 2018. Therefore, we make it clear that the Writ Court has not expressed any opinion on the genuineness of the document relied upon by the appellant. It is for the Civil Court to decide the aforesaid suit without being influenced by the order passed by the learned Single Judge or this Court.

5.The order of the learned Single Judge does not warrant interference and hence, the Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[D.K.K.,J.] & [R.V.,J.]
20.02.2024

Neutral Citation : Yes/No
Index : Yes/No
Internet : Yes/No
MR

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To
Regional Transport Authority,
Madurai Town,
Madurai.

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D.KRISHNAKUMAR, J.

and

R.VIJAYAKUMAR, J.

MR

ORDER MADE IN

W.A.(MD)No.212 of 2024

20.02.2024