



C.R.P(MD)No.1817 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

C.R.P(MD)No.1817 of 2023
and C.M.P(MD)No.9063 of 2023

Muralitharan

...Petitioner/ Petitioner

Vs.

1.Kulanthaivel

2.Sivashankari

3.Karthikeyan

4.Uma Maheswari

5.Gowri

... Respondents/Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, as against the fair and decreetal order dated 20.04.2023 passed by the learned Principal District Judge, Thanjavur made in Tr.O.P.No.25 of 2023.

For Petitioner

: Mr.B.Anandan

For R2

: Mr.P.Vadivel

ORDER

This Civil Revision Petition is filed against the fair and decreetal order dated 20.04.2023 passed by the learned Principal District Judge, Thanjavur made in Tr.O.P.No.25 of 2023.



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2.The facts in brief:

i)The suit in O.S.No.15 of 2012 was filed by the petitioner seeking the relief of specific performance. The defendants namely have filed their written statement. At that point of time, he filed Transfer O.P.No. 25 of 2023 before the learned Principal District Judge, Thanjavur seeking transfer of the suit to any other court on the following grounds:

a)The 3rd defendant by name Sivasankari is a practising lawyer and a member of a Thanjavur Bar Association and the Advocates are supporting the 3rd defendant. She has also made threat to the petitioner.

b) Apart from that, the Presiding Officer has developed prejudice against him.

ii) The said petition was resisted by the 3rd defendant stating that for the 4th time such transfer is requested. Earlier the petitioner filed Tr.C.MP.No.40 of 2016 before this Court to transfer E.A.No.77 of 2014 in E.P.No.23 of 2013 in O.S.No.20 of 2008 and the present subject suit and O.S.No.53 of 2017 on the file of the District Munsif



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Court, Thiruvaiyaru. That application was dismissed by this Court. Another attempt was made by filing Tr.C.M.P.No.87 of 2014 before this Court to transfer the very same E.P.No.23 of 2013 in O.S.NO.20 of 2008 on the file of the Principal Subordinate Judge, Thanjavur. That also came to be dismissed by this Court. Against the dismissal order, C.R.P.No.2347 of 2016 was preferred. The Execution Petition was transferred to the file of the I Additional District Court, Thanjavur. While ordered transfer, this Court further directed to try the suit as well as the Execution Petition jointly. Pending cross-examination, attempt was made by filing Trnsfer Transfer C.M.P.Nos.117 and 118 of 2019 before this Court to transfer E.P.No. 5 of 2018 in O.S.No.20 of 2008 and O.S.No.15 of 2012 and that were dismissed with a direction to conduct the suit and Execution Petition jointly and disposed of within three months.

3. Since the repeated attempts made by the petitioner to transfer the trial process came to be dismissed, the present revision is filed.



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4. A counter affidavit is filed by the second respondent setting out certain factual circumstances. The copies of the earlier orders passed have also been placed on record in the form of typed set of papers by the second respondent herein.

5. A perusal of the earlier orders clearly reveal that the petitioner wants to transfer the matter under the guise of making allegations against the 3rd respondent herein. At one stage it was allowed and at another stage it was dismissed. The repeated filing of the petitions setting out the very same ground is not at all maintainable. Simply because the 3rd respondent happens to be the member of the Bar Association, the matter cannot be taken out of the file of the trial court. Such an attempt should not and cannot be encouraged. Apart from that, the conduct of the petitioner also does not deserve any confidence at all and no genuine attempt is made by the petitioner by way of filing this petition. The grievance expressed by the petitioner herein is completely out of place and cannot be entertained at all. So I find absolutely no reason to entertain this



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petition. The order passed by the learned Principal District Judge, Thanjavur made in Tr.O.P.No.25 of 2023 requires no interference.

6. In fine, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

08.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM

To

1.The Principal District Judge,
Thanjavur

2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J.

CM

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