

Tr.C.M.P(MD).No.485 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Reserved on : 12.12.2024

Delivered on : 20.12.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.485 of 2024
and
C.M.P(MD)No.11371 of 2024

1.Pattayee Ammal

2.Sakthibel

3.Lakshmi : Petitioners/Appellants

Vs.

1.Thangavel

2.Kandhasamy

3.Jai Murugan

4.Eswari

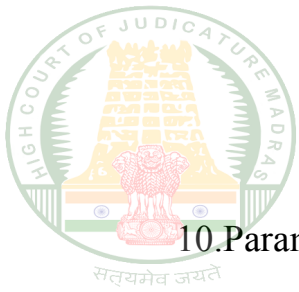
5.Sanga Gounder

6.Amudha

7.Balasubramanian

8.Dhanam

9.Ayyammal @ Krishnaveni



Tr.C.M.P(MD).No.485 of 2024

10.Parameshwari

WEB COURT 11.Narayanan

12.Saraswathy

: Respondents/Respondents

(Memo dated 20.11.2024 presented before the Court no 20.11.2024 is recorded to the effect that notice to the respondents 5 to 9 is dispensed with as they were set ex-parte before the trial Court, vide order, dated 20.11.2024 made in Tr.CMP(MD)No.485 of 2024.)

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case in A.S.No.190 of 2020 on the file of the Sub Court, Manapparai, Trichy District and transfer the same to the file of the Sub Court, Kulithalai, Karur District or any other Court at Trichy District.

For Petitioners : Mr.P.Prahalad Ravi,

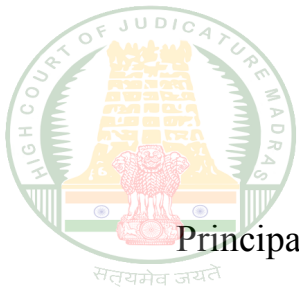
For Respondents : Mr.C.Ezhilarasu, for R1 to R4 & R10 to R12.

: Dispensed with (F5 to R9)

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the case in A.S.No.190 of 2020 on the file of the Sub Court, Manapparai, Trichy District and to transfer the same to the file of the Sub Court, Kulithalai, Karur District or any other Court at Trichy District.

2. It is evident from the records that the appellants, challenging the dismissal of their suit in O.S.No.236 of 2010 on 01.08.2019 on the file of the



Tr.C.M.P(MD).No.485 of 2024

Principal District Munsif Court, Manapparai, preferred an appeal and the same is pending in A.S.No.190 of 2020 on the file of the Sub Court, Manapparai.

3. It is not in dispute that originally the appeal was filed before the Sub Court, Trichy and the same was numbered in A.S.No.139 of 2019 and subsequently, after the constitution of Sub Court, Manapparai, the appeal came to be transferred to the file of the Sub Court, Manapparai and the same was taken on file in A.S.No.190 of 2020 on their file.

4. The main contention of the petitioner is that the second respondent is an Advocate practising in the Manapparai Courts; that the second respondent along with his counsel are frequently visiting the chambers of the learned Sub Judge; that the petitioners have also seen the second respondent along with the company of the learned Sub Judge in many places at Manapparai and also Trichy; that the respondents have been projecting that the above appeal will be dismissed as they are having acquaintance with the learned Sub Judge; that the second respondent is an influential person and having more political acquaintance along with muscle and money power; that the above conduct of the learned Sub Judge creates suspicion in the mind of the petitioner that as projected by the second respondent that the appeal would be dismissed and that

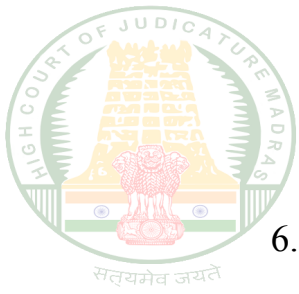


Tr.C.M.P(MD).No.485 of 2024

therefore, they were constrained to file the above transfer petition before this

WEB COPY Court

5.Considering the allegations levelled, this Court directed the Registry to call for remarks from the learned Sub Judge, Manapparai and in pursuance of the same, he submitted his remarks vide letter, dated 18.09.2024. The learned Sub Judge in his remarks has stated that he had taken charge of the post of the Sub Judge, Manapparai only on 10.05.2024; that after summer vacation, Manapparai Sub Court was functioning from 3rd June till 27th June as the lawyers went on boycott against new criminal laws from 28.06.2024 to 03.08.2024; that the said complaint has been sent on 08.08.2024; that since he has joined in Manapparai on 10.05.2024, he could not remember any advocate name, who are conducting the cases in the Manapparai Sub Court; that the charges of the petitioners that the second respondent and his counsel have been frequently visiting the chambers and they have also seen along with the company of the learned Sub Judge in many places of Manapparai and Trichy are all false and frivolous and that he never allowed any advocate to chambers at any time.



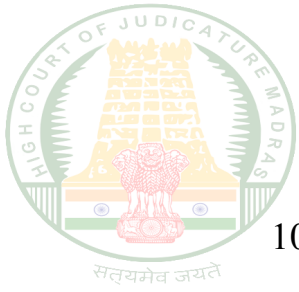
Tr.C.M.P(MD).No.485 of 2024

6. It is pertinent to note that the learned Sub Judge had joined in the Sub Court Manapparai only on 10.05.2024 and after summer vacation, he worked hardly for some days from 3rd June to 27th June and as such, this Court is at loss to understand as to how the petitioners came to know that the second respondent and his counsel have been frequently visiting the chamber of the learned Sub Judge as the Court was functioning only for less than three weeks.

7. Moreover, the petitioners have not furnished any other particulars as to in which place, they have seen the second respondent along with Sub Judge at Manapparai and at Trichy.

8. As rightly contended by the learned counsel for the respondents, it is evident that the petitioners have raised allegations against the Judicial Officer vaguely and without any iota of basis. But the learned counsel for the respondents would submit that they are not having any objections to transfer the case to any of the Sub court at Trichy and not to the Sub Court, Kulithalai.

9. It is not in dispute that the Sub Court, Manapparai, is within the limits of the Trichy District whereas the Kulithalai is in Karur District.



Tr.C.M.P(MD).No.485 of 2024

WEB COPY

10. Considering the facts and circumstances of the case and also taking note of the submissions made by the learned counsel for the respondents, the appeal in A.S.No.190 of 2020 is ordered to be withdrawn from the file of the Sub Court, Manapparai and transfer to the file of the I Additional Sub Court, Trichy. The learned Sub Judge, Manapparai District, is directed to send the records relating the case in A.S.No.190 of 2020 to the I Additional Sub Court, Trichy, within a period of 10 days from the date of receipt of copy of this order and on receipt of the same, the learned I Additional Sub Judge, Trichy, is directed to take the same on file and proceed in accordance with law.

11. With the above directions, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

20.12.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das



Tr.C.M.P(MD).No.485 of 2024

WEB COPY

To

1. The Sub Judge, Manapparai District,
2. The I Additional Sub Judge, Trichy,
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Tr.C.M.P(MD).No.485 of 2024

K.MURALI SHANKAR, J.

DAS

Pre-delivery order made in
Tr.C.M.P (MD).No.485 of 2024
and
C.M.P(MD)No.11371 of 2024

20.12.2024