



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-08-2025

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THE HONOURABLE MR.JUSTICE P.B. BALAJI

**TR CMP No. 255 of 2025
and C.M.P.No.4960 of 2025**

1. P.Rudhra

2. P.Keerthi

3. P.Ramya

Petitioner(s)

Vs

1. P.Palanivel(died)

Respondent-1 Died. Respondent-2(who is already on record) are recorded as LRs of the deceased R-1 P.Palanivel as per memo seal dated.03/04/2025 are recorded and vide court order dated.21/04/2025 made in TR.CMP No.255 of 2025 in CMP No.4960 of 2025 by PTAJ.

2.P.Sivagami

3.P.Malaleena

Respondent(s)

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC to withdraw the suit in O.S. No. 108 / 2011 on the file of the Additional District Judge, (Special Court for Prevention of SC/ST Atrocities) Namakkal and to transfer the same to Principle District Court, Salem.



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TR CMP No. 255 of 2025



For Petitioner(s): Mr.B.Vijayakumar

For Respondent(s): M/s.S.Dhayaleswaran for R3
R1 - Died (steps Taken)
R2 - NA

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking direction of this Court to withdraw the suit in O.S. No. 108 / 2011 on the file of the Additional District Judge, (Special Court for Prevention of SC/ST Atrocities) Namakkal and to transfer the same to Principal District Court, Salem.

2. Heard the learned counsel for the petitioner and the learned counsel for the third respondent.

3. The grievance of the petitioner in the Transfer CMP is that though an application was taken out by the third respondent herein to summon the Tahsildar to lead evidence, calling upon him to depose in the suit, the learned Judge has allowed witness batta to be filed, without even an order being passed in the application. The learned counsel for the petitioner also stated that no



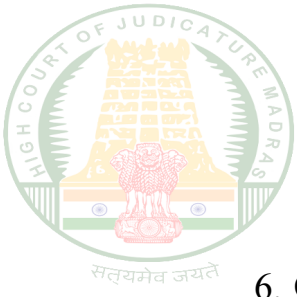
opportunity was given even to file counter. Therefore, the petitioner has genuine apprehension regarding the manner in which the trial has proceeded with.

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However, even in the affidavit filed in support of the Transfer CMP, the petitioner has specifically stated that he has no grievance against the presiding officer.

4. Per contra, the learned counsel for the third respondent states that though the Civil Revision Petition has been filed before the Trial Court, the Tahsildar was summoned in furtherance of the order passed by the Trial Court and the revision petitioner has also cross examined the Tahsildar elaborately, therefore states that no ground is made out to transfer the petition.

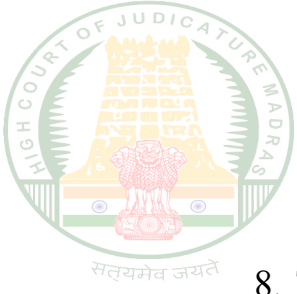
5. On 25.07.2025, this Court called for a report from the Special Court for Trial of Case registered under SC & ST Act, Namakkal. In compliance with the said order, the learned Sessions Judge, Special Court for Trial of Cases registered under SC/ST(PoA) Act. Namakkal, forwarded a report to the Registry of this Court vide D.No.937/2025, dated 20.08.2025.



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6. On a perusal of the report, I find that the learned Judge has taken into account that the suit has been pending for close to 14 years and hence, the learned Judge has been strict with both the parties. The learned Judge has also further stated that the application summoning the Tahsildar to depose the suit was presented in the open Court and the learned counsel for the revision petitioner has also endorsed saying that he has taken notice. Since, the revision petitioner's counsel did not object or even pray for time for filing counter, the learned Judge considering that the suit is an age old bundle, has proceeded to allow the application. The learned Judge has stated that she has passed an order as “as early as 13.09.2024 itself and thereafter on 05.11.2024, the Tahsildar was examined as DW.3, both in chief as well as cross”.

7. In view of the above, the grievance of the petitioner is that without an order witness batta was taken out and Tahsildar appeared and deposed before the Court, is factually incorrect, since, the learned Sessions Judge has passed an order on 13.09.2024, though it is not a speaking order.



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8. The fact that the revision petitioner has chosen to cross examine the Tahsildar on 05.11.2024, also suggest that there is no serious prejudice caused to the revision petitioner on account of the procedure adopted by the learned Trial Judge.

9. The learned counsel for the petitioner also fairly states that if there is an order passed by the learned Sessions Judge permitting cross examination of the Tahsildar, then, the petitioner has no grievance.

10. In view of the above, the Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

29-08-2025

Jai

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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P.B.BALAJI, J.

jai

To
The Additional District Judge,
(Special Court for Prevention of SC/ST Atrocities)
Namakkal.

TR CMP No. 255 of 2025

29-08-2025