



C.R..P.(PD)(MD).No.56 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)No.56 of 2025

and

C.M.P(MD) No.327 of 2025

1. Subbaraj

2. Solairaj

3. Revathi Santhakumar

... Petitioners/
Respondents/Defendants

Vs.

1. Ramasamy

Alagammal (died)

2. V.Rajammal

Seethammal (died)

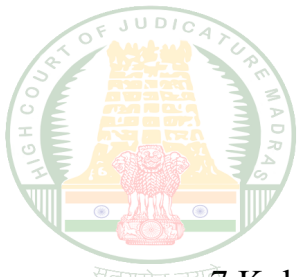
3. R.Rajammal

4. Ramachandran

5. Ulaganathan

6. Indra

1/7



C.R..P.(PD)(MD).No.56 of 2025

WEB COPY

7.Kalavathi

8. Ramathilagam

9. Pasupathi

10. Gopalakrishnan

... Respondents/Petitioners/
Plaintiffs

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records and set aside the fair and decreetal order dated 15.10.2024 in Tr.O.P.No.143 of 2023 on the file of the District and Sessions Court, Virudhunagar District at Srivilliputtur in O.S.No.175 of 2019 on the file of the Sub Court, Aruppukottai.

For Petitioners : Mr.S.Selva Aditya

For Respondents : Mr.P.Santhoshkumar

ORDER

The defendants in O.S.No.175 of 2019, on the file of the Sub Court, Aruppukottai, have filed the present Civil Revision Petition challenging the order passed by the District and Sessions Court, Virudhunagar District at Srivilliputtur, in Tr.O.P.No.143 of 2023.



C.R..P.(PD)(MD).No.56 of 2025

WEB COPY

2. A perusal of the records reveal that the respondents herein have filed the above said suit for the relief of declaration, recovery of possession and other consequential prayers.

3. Pending suit, the plaintiffs have filed Tr.O.P.No.143 of 2023, before the District and Sessions Court, Virudhunagar District at Srivilliputtur, seeking to transfer the said case from Aruppukottai to Virudhunagar. It was contended that the first defendant is a retired Judicial Officer, the second and third defendants are Senior members of Aruppukoottai Bar. In such view of the matter, the plaintiffs find it difficult to engage a counsel as against them. Even, if counsels are engaged by the plaintiffs, their counsels feel embarrassed to appear as against the defendants 1 to 3. In order to avoid any embarrassment to the counsels, they had filed the transfer petition to transfer the suit from Aruppukkottai to Virudhunagar.

4. The learned District and Sessions Judge after considering the submissions made on the side has recorded a specific finding that there is no proof that the defendants had influenced the advocates of the plaintiffs but, proceeded to transfer the suit from Aruppukkottai to Virudhunagar, on the



C.R..P.(PD)(MD).No.56 of 2025

WEB COPY

sole ground that there is some apprehension in the mind of the plaintiffs.

Challenging the said order, the present Civil Revision Petition has been filed.

5. According to the learned counsel appearing for the revision petitioners, the petitioners 1 and 2 herein are senior citizens and it will be difficult for them to travel from Aruppukkottai to Virudhunagar. He further contended that when the learned District and Sessions Judge has arrived at a finding that there is no proof of any influence by the defendants, the Court should not have ordered transfer, based on the mere apprehension of the plaintiffs.

6. Per contra, the learned counsel appearing for the respondents/ plaintiffs had contended that even though, counsels appeared on behalf of the plaintiffs, they were embarrassed to appear as against the senior members of the Aruppukkottai Bar. Only to avoid such an embarrassment, the petition was filed to transfer the suit from Aruppukkottai to Virudhunagar. Hence, he prayed for sustaining the order of transfer passed by the learned District and Sessions Judge.



WEB COPY



C.R..P.(PD)(MD).No.56 of 2025

7. Heard both sides and perused the materials available on record.

8. It could be seen from the records that the only ground on which the transfer petition was filed, is that the plaintiffs' counsel would have some hesitation in appearing as against the defendants, who are the senior members of the Bar of Aruppukottai. However, this apprehension has been disbelieved by the learned District and Sessions Judge and has recorded a specific finding and that there is no proof for the said apprehension. In such circumstances, the learned District Judge ought not to have transferred the suit from Aruppukottai to Virudhunagar merely based on some imaginary apprehensions expressed on the side of the plaintiffs. The order impugned in the revision petition is set aside and this Civil Revision Petition stands allowed. The trial Court is directed to dispose of the suit in O.S.No.175 of 2019 as expeditiously as possible on or before **31.12.2025**. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

09.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

5/7



C.R..P.(PD)(MD).No.56 of 2025

WEB COPY

To

1. The District and Sessions Court,
Virudhunagar District at Srivilliputtur.
2. The Sub Court,
Aruppukottai.
3. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R..P.(PD)(MD).No.56 of 2025

R.VIJAYAKUMAR,J.

ebsi

C.R.P(PD)(MD)No.56 of 2025

09.04.2025