



C.R.P(MD)No.34 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

C.R.P(MD) No.34 of 2019
and
C.M.P(MD) No.156 of 2019

M.Ramalingam

...Petitioner

Vs.

- 1.Palaniammal
- 2.M.Natarajan
- 3.V.Balakrishnan
- 4.Pethalakshmi
- 5.Chellamuthu
- 6.K.Prema
- 7.D.Raviraja
- 8.B.Maheshwari



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9.Selvi

10.Chellappan

11.R.Jayalalitha

12.Sarojini

13.Loganayagi

14.Sornammal

15.S.Lakshmi

16.K.Murugavenkatesan

17.V.Harikrishnan

18.S.Mariappan

19.P.Sumathi

20.M.Savadamuthu

21.Ramayammal

22.Meenakshi (died) *

*(Memo presented before the Court on 08.06.2023 is recorded as R22 died vide Court order dated 08.06.2023)

23.Sarasu

...Respondents



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PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 26.03.2018 made in I.A.No.1519 of 2017 in O.S.No.362 of 2015 on the file of the Additional District Munsif Court, Dindigul, Dindigul District and allow this Civil Revision Petition.

For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mr.N.Tamilmani – for R1

Unserved – for RR6 to 9, 12,

14 to 16 & 18

No appearance - for RR2 to 5, 10,

11, 13, 17, 19, 20 & 23

Died – for RR20 & 21

ORDER

This Civil Revision Petition is filed against the order



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dated 26.03.2018 made in I.A.No.1519 of 2017 in O.S.No.362 of 2015 on the file of the Additional District Munsif Court, Dindigul, Dindigul District.

2. The Revision Petitioner is the second defendant and the first respondent is the plaintiff in the suit in O.S.No.362 of 2015 on the file of the Additional District Munsif Court, Dindigul, Dindigul District, filed for partition and mesne profit.

3. Heard Mr.G.Gomathi Sankar, learned counsel for the petitioner and Mr.N.Tamilmani, learned counsel appearing for the first respondent and perused the material available on record.

4. The learned counsel for the petitioner submits that the first respondent is only a contesting respondent and all remaining respondents are formal parties. The petitioner filed application in I.A.No.1519 of 2017 in O.S.No.362 of 2015 seeking relief of rejection of plaint under Order VII Rule 11 and Section 151 of Code



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of Civil Procedure.

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5. The learned Additional District Munsif, Dindigul after hearing both sides and on consideration of the material available on record, dismissed the said application by order, dated 26.03.2018 holding that the plaintiff many cause of action in the suit and hence, to ascertain the correctness of cause of action, it is necessary to allow the parties to adduce evidence. While dismissing the application, the trial Court also relying the judgment of the Hon'ble Apex Court in *Mayar (H.K) Ltd., and Others Vs. owners Parties, Vessel M.V.Fortune Express and Others* reported in *AIR 2006 SC 1828*, wherein it was held that so long as the plaint discloses some cause of action which requires determination by the Court, mere fact that in the opinion of the Judge, the plaintiff may not succeed, cannot be a ground for rejection of the plaint.

6. On careful consideration of the reasons given by the trial Court while allowing the Interlocutory Application, this Court



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is of the opinion that the order passed by the Court below is in accordance with law and there is no any illegality or infirmity in passing such order. As such this Court is not inclined to interfere into the reasoned order passed by the trial Court.

7. The learned counsel for the petitioner submits that at present the suit is at the stage of framing of issues. Considering the said fact in our considered view, it is appropriate to direct the learned Additional District Munsif, Dindigul, Dindigul District, to dispose of the suit expeditiously, preferably, within a period of six months, as this suit is pertaining to the year 2015.

8. Accordingly, this Civil Revision Petition is dismissed with a direction to the learned Additional District Munsif, Additional District Munsif Court, Dindigul, Dindigul District, to dispose of the Suit in O.S.No.362 of 2015 on its file, as expeditiously as possible, but not beyond the period of six months from the date of receipt of a copy of this order.



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9. No costs.

10. Consequently, connected Civil Miscellaneous
Petition is closed.

09.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
RM

To

The Additional District Munsif,
Additional District Munsif Court,
Dindigul,
Dindigul District.



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BATTU DEVANAND, J.

RM

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