

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD).No.1666 of 2015
and M.P.No.1 of 2015

Gnanaprakasam

... Petitioner

Vs.

S.Neelakandan

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the suit in O.S.No.139 of 2015 on the file of the District Munsif Court, Sriperumbudur to call for the records and strike of the plaint.

For Petitioner : Mr.C.Umashankar

ORDER

Heard Mr.C.Umashankar, learned counsel appearing for the petitioner.

2.The defendant in the suit in O.S.No.139 of 2015 on the file of the District Munsif Court, Sriperumbudur has filed the above Civil Revision Petition to strike off the plaint. The plaintiff filed the suit in O.S.No.139 of 2015 for permanent injunction.

3. According to the defendant, the plaintiff has suppressed the material facts regarding the pendency of the suit in O.S.Nos.100 of 2009 and 149 of 2009 pending before the same Court.

4. Mr.C.Umashankar, the learned counsel appearing for the petitioner submitted that the plaintiff also filed an application in I.A.No.577 of 2015 in O.S.No.139 of 2015 for interim injunction and also obtained interim injunction against the petitioner/defendant. The learned counsel also submitted that in view of the order of injunction granted by the trial Court in a suit filed by the plaintiff suppressing the material facts, the petitioner is put to hardship and prejudice.

5. When the suit has been filed by the plaintiff suppressing the material facts regarding the pendency of the other suits, the defendant would have filed an application under Order 7 Rule 11 of the Code of Civil Procedure to reject the plaint, which was not done by the defendant. That apart, for vacating the order of injunction granted in I.A.No.577 of 2015, the petitioner/defendant would have filed an application, which was also not done by the petitioner. In these circumstances, I am not inclined to entertain the Civil Revision Petition and the same stands dismissed.

6.It is open to the petitioner/defendant to file an application before the trial Court for vacating the order of interim injunction granted in I.A.No.577 of 2015 and if such an application is being filed by the petitioner/defendant, the trial Court shall dispose of the same as expeditiously as possible.

7.The learned counsel for the petitioner submitted that the petitioner/defendant would file an application to vacate the order of interim injunction tomorrow itself and also file an application under Order 7 Rule 11 of the Code of Civil Procedure to reject the plaint.

8.On such an application being filed by the petitioner/defendant, the trial Court is directed to dispose of the application to vacate the order of interim injunction on or before 30.06.2015.

9.With these observations, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Internet : Yes

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Note: Issue order copy on 21.04.2015.

M.DURAIWAMY,J.

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To

The District Munsif Court,
Sriperumbudur

**C.R.P.(PD).No.1666 of 2015
and M.P.No.1 of 2015**

