

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD).Nos.2517 to 2523 of 2015
and M.P.Nos.1 to 1 of 2015

Mr.Mittalal	... Petitioner in CRP(PD).No.2517/2015
Mr.Kanakaraj	... Petitioner in CRP(PD).No.2518/2015
Mr.Srinivasan	... Petitioner in CRP(PD).No.2519/2015
Mr.Anbuselvam	... Petitioner in CRP(PD).No.2520/2015
Mr.Thiyagarajan	... Petitioner in CRP(PD).No.2521/2015
Mr.Ravichandran	... Petitioner in CRP(PD).No.2522/2015
Mr.Mahaveerchand	... Petitioner in CRP(PD).No.2523/2015

Vs.

TELC, Tiruchirapalli, rep by Property Officer	... Respondents in all 7 C.R.Ps
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Civil Revision Petitions filed under Article 227 of the Constitution of India against the fair and decreetal order passed in I.A.Nos.523 to 529 of 2014 in O.S.Nos.250 to 256 of 2013 dated 25.03.2015 on the file of the Principal District Munsif, Villupuram.

For Petitioner (in all 7 C.R.Ps) : Mr.A.P.Neelamegavannan

COMMON ORDER

Since the issues involved in these Civil Revision Petitions are one and the same, all the 7 Civil Revision Petitions are disposed of by this common order.

2.Challenging the orders passed in I.A.Nos.523 to 529 of 2014 in O.S.Nos.250 to 256 of 2013 on the file of the Principal District Munsif Court, Villupuram, the respective defendants have filed the above Civil Revision Petitions.

3.The respective plaintiff filed the suits in O.S.Nos.250 to 256 of 2013 for recovery of possession. The defendants filed their written statement in the respective suits and are contesting the matter. The defendants filed applications in I.A.Nos.523 to 529 of 2014 under Order 7 Rule 11 of the Civil Procedure Code to reject the plaints. In the affidavits filed in support of the petitions, the defendants have stated that there is no cause of action for filing the suit and that in the absence of any document produced by the plaintiff to prove that he is the Property Officer, the suits are liable to be rejected. Admittedly, the defendants are the tenants in respect of the suit properties. The main contention raised by the defendants was that there is

no cause of action for filing the suit and that under Order 3 Rule 1 of the Civil Procedure Code, the suits are liable to be rejected for the reason that the plaintiff has not produced any document to prove that he is the Property Officer.

4. On a perusal of the plaints, it is clear that the respective plaintiff has mentioned the cause of action for the filing of the suits. The trial Court relying upon a judgment reported in **2003 3 LW 372 [Kishorelal Asera Vs. Haji Essa Abba Sait Endowments rep. by its Trustees]** held that the contention raised by the defendants with regard to Order 3 Rule 1 of the Civil Procedure Code cannot stand and the trial Court had rejected the said contention. In the written statements, the defendants have raised their defences. That apart, the suits were filed in the year 2013, therefore, it would be appropriate to decide all the issues in the suits in the trial. The defendants have not made out any case for rejecting the plaints under Order 7 Rule 11 of the Civil Procedure Code.

5. It is also brought to the notice of this Court by the learned counsel for the petitioners that this Court by order dated 06.04.2015 directed the trial Court to dispose of the suits in O.S.Nos.250 to 256 of 2013 within six months from the date of receipt of a copy of the order. Therefore, I direct

the District Munsif Court, Villupuram to decide the suits after giving opportunity to all the parties to establish their case and dispose of the suits, on merits and in accordance with law, within four months from the date of receipt of a copy of this order.

6. With this observation, the Civil Revision Petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Index : No
Internet : Yes
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02.07.2015

To

The Principal District Munsif,
Villupuram.

M.DURAIWAMY,J.
va

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