

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.07.2015

CORAM

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

C.R.P.(PD)No.2684 of 2015 &

M.P.No.1 of 2015

1.Govindan
2.Madeswaran

... Petitioners

v.

1.Veeramani
2.N.Selvam

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 24.06.2014 made in I.A.No.117 of 2014 in O.S.No.291 of 2010 on the file of II Additional Sub Court, Erode.

For Petitioner : Mr.D.Selvaraju

O R D E R

Aggrieved over the fair and final order passed in I.A.No.117 of 2014 in O.S.No.291 of 2010 on the file of II Additional Sub Court, Erode, the defendants have filed the above Civil Revision Petition.

2. The plaintiff filed the suit in O.S.No.291 of 2010 for permanent injunction. Subsequently, the defendants filed an application in I.A.No.117 of 2014 under Order VII, Rule 11 of CPC to reject the plaint. The main ground raised by the defendants in the Order VII, Rule 11 of CPC application was that the Civil Court has no jurisdiction to try the suit. The application was opposed by the plaintiff.

3. The Trial Court, after taking into consideration the case of both the parties, dismissed the application.

4. Mr.D.Selvaraju, learned counsel appearing for the revision petitioner submitted that in similar circumstances, by order dated 09.02.2007, in W.P.No.22220 of 2006, this court held that only the coverage by the Act and the scheme alone can prove a lasting solution and therefore, a direction was issued to the Revenue Divisional Officer to convene a meeting of all the persons concerned including the officers referred to in the order and take all further steps to implement the scheme in the areas

under his jurisdiction. Further, this court directed the Revenue Divisional Officer to convene a meeting with the Labour Officer and Deputy Commissioner of Labour and also examine the possibility of bringing water under the Tamil Nadu Manual Workers' Social Security and Welfare Scheme, 2006 and once they are covered by the scheme and they are given certificate of employment and identity card in terms of Form-2, it will be easier to regulate their work and collectively, the members constituted under the scheme can provide rotational employment instead of fighting over areas of operation.

5. Since the defendants are raising the issue with regard to the jurisdiction of the Civil Court, I am of the view that the issue with regard to the jurisdiction can be decided in the suit after trial. It is also pertinent to note that the judgment now relied upon by the learned counsel for the revision petitioner was not produced before the Trial Court.

6. In these circumstances, I do not find any reason to interfere with the order passed by the Trial Court for the reason that the suit was filed in the year 2010 and the present application to reject the plaint was filed in the year 2014, that too, after the filing of the written statement. Hence, the Civil Revision Petition is devoid of merits and is liable to be dismissed. Learned counsel on either side represented that the suit in O.S.No.291 of 2010 has been tried jointly along with O.S.No.423 of 2013. Since the suit is pending

from 2010, I direct the II Additional Sub Court, Erode, to dispose of the suit in O.S.No.291 of 2010 and O.S.No.423 of 2013 on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

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

Index : No
Internet : Yes

22.07.2015

Rj

To

The II Additional Judge,
Sub Court,
Erode

M. DURAISWAMY,J.,

Rj

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