



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2015

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (PD) (MD) .NO.239 of 2015

WEB COPY
Vimala Johnsy

... Revision Petitioner/Plaintiff

vs.

C.Manojkumar

... Respondent/Defendant

PRAYER: This Civil Revision Petition filed under Article 227 of Constitution of India, against the returned unnumbered O.S. Of 2014 on the file of the Principal District Munsif, Nagercoil, Kanyakumari District.

For Petitioner : Mr.A.Elis Chitra Devi

O R D E R

This revision is directed against the returned of the plaint without numbering. The prayer in the suit is for bare injunction restraining the defendant and his men from disturbing the peaceful possession of the property and not to alienate and encumber the suit property.

2.No notice is necessary to the respondent as this Court intends to direct the trial Court to dispose of the suit at the earliest and it would not cause any prejudice to the respondent.

3.It is the case of the plaintiff that she had entered into a sale agreement with the defendant on 18.04.2013. But, the sale was not effected by the true owner/defendant.

4.According to the plaintiff, based on the agreement a sale consideration of Rs.6,00,000/- was paid to the defendant. As the defendant was not willing to sell the property, the plaintiff demanded the return of sale consideration. The defendant had returned only Rs.2,00,000/- and the plaintiff is yet to recover Rs.4,00,000/- being the balance of the amount paid. Admittedly, the plaintiff has got no right or title over the property. The only apprehension of the plaintiff is that the defendant would sell away the suit property. Hence, the suit has been filed for bare injunction restraining the defendant and his men from disturbing the peaceful possession of the property and not to alienate and encumber the suit property.

5.The said plaint was rightly returned by the Principal District Munsif, Nagercoil, Kanyakumari District, on the ground that the plaintiff has got no right or title over the property and she is seeking a relief against the true owner viz., the defendant which is impermissible by law. Therefore, the return of the plaint by the Principal District Munsif, Nagercoil, Kanyakumari District is correct and there is no material irregularity in the order.



With the above observation, the civil revision petition is dismissed.
No costs.

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/True copy/

Sd/-
Assistant Registrar (CO)

Sub Assistant Registrar

To
The Principal District Munsif,
Nagercoil, Kanyakumari District.

Ns
SR : 25.02.2015 : 2p/2c

C.R.P. (PD) (MD) .No.239 of 2015
17.02.2015