



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.04.2015

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

C.R.P.(PD) (MD)No.740 of 2015

and

M.P.(MD).Nos.1 and 2 of 2015

Muthukaruppan

... Petitioner

Vs.

1. A.P.S.Manimuthu

2. Thondaiman

3. Joseph

4. Nagendran

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair order dated 13.03.2014 made in I.A.No.511 of 2013 in O.S.No.105 of 2013 on the file of the Additional District Munsif Court, Karaikudi and allow this revision petition.

For Petitioner : Mr.R.Vijayakumar for
Mr.S.Gokulraj

O R D E R

The Civil Revision Petition is directed against the order dated 13.03.2014 in I.A.No.511 of 2013 in O.S.No.105 of 2013 whereby and whereunder the learned Additional District Munsif, Karaikudi was pleased to reject the application filed by the petitioner under Order 7 Rule 11(A) of C.P.C.

2. The respondents herein filed a suit against the petitioner before the Court below praying for a decree of injunction. The petitioner without filing written statement, filed an application under Order 7 Rule 11(A) of C.P.C., to reject the plaint. The learned trial Judge dismissed the application with an observation that the matter requires consideration of pleadings and evidence and it cannot be rejected at the threshold. Feeling aggrieved, the petitioner is before this Court.

3. The learned counsel for the petitioner contended that the respondents admitted the title of the petitioner and as such, there is no question of maintaining a suit for injunction.



4. The learned trial Judge, on a perusal of the plaint, arrived at a conclusion that the issue raised by the petitioner requires to be considered on the basis of evidence. The learned trial Judge in fact exercised the discretion in the manner known to law. I do not find any reason to interfere in the said order invoking the revisional jurisdiction under Article 227 of the Constitution of India. It is open to the petitioner to raise all points before the trial Court.

5. The Civil Revision Petition is dismissed with the above observation. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub-Assistant Registrar

To

The Additional District Munsif Court,
Karaikudi, Sivagangai District

+One cc to M/s.R.Vijayakumar, Advocate, SR.No.18514

akv
RL/3 c- 8/5/2015

CRP(PD) (MD) No.740 of 2015

10.04.2015