

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2015

CORAM :

THE HONOURABLE Mr. JUSTICE P.R.SHIVAKUMAR

REV.APPL.No.331 of 2015
against
C.R.P(Pd)No.3648 of 2015

Nanjappan

... Petitioner

Vs.

Ramasamy

... Respondent

Prayer:- This Review application has been filed under Section 114 and Order 47 Rule 1 of the Code of Civil Procedure Code against the judgment dated 15.09.2015 passed in Civil Revision Petition(Pd) No.3648 of 2015 at the admission stage itself.

For Petitioner : Mr.R.Vijayan

J U D G M E N T

This review application has been filed for the review of the order of Hon'ble Mr.Justice D.Hariparanthaman dated 15.09.2015 made in C.R.P(pd)No.3648 of 2015.

2. The said revision came to be filed against the dismissal of I.A.No.226 of 2015 in O.S.No.23 of 2015 on the file of the District Munsif, Sathymangalam. The said suit was filed for permanent injunction not to disturb the possession of the respondent herein.

3. The petitioner herein filed the above interlocutory application for the rejection of the plaint on the ground that the property being the poromboke land, the suit filed without impleading the Government was not maintainable and that the plaint was liable to be rejected on the premise that the description of the suit property was not proper.

4. The learned Judge, after hearing the Civil Revision Petition for admission, chose to pass an order dismissing the Civil Revision Petition holding that rejection of the plaint could be made strictly based on the plaint pleadings and issues which are to be decided on the basis of evidence in the suit cannot be decided in an application under order VII Rule 11 C.P.C. The present petition has been filed for reviewing the said order on the assumption that there is an error apparent on the face of the record.

5. This Court, after perusing the order, is not in a position to accept the contention that there is any error apparent on the face of the record. Hence, the review application is rejected.

6. Accordingly, the review application is rejected. No costs.

12.04.2016

srn

To

The District Munsif,
Sathymangalam.

P.R.SHIVAKUMAR.J

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