

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.2201 of 2016

and

CMP No.11434 of 2016

1. P. Govindasamy Gramani

2. G. Namachivayam

.... Petitioners

vs

1.N. Mohan

2.R. Bharani Kumar

.... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India to strike of the plaint in O.S.No.226 of 2009 on the file of the Principal District Munsif, Alandur.

For Petitioners : Mr.G. Ilamurugu

ORDER

The defendants 1 and 2 in O.S.No.226/2009 on the file of Principal District Munsif, Alandur have filed the above Civil Revision Petition to strike of the plaint in O.S.No.226 of 2009.

2. It is the case of the petitioners that the first respondent/plaintiff filed a suit in O.S.No.281 of 2005 for permanent injunction and during the pendency of the said suit, he has filed the present suit in O.S.No.226/2009 without obtaining leave of the Court. The suit in O.S.No.226/2009 has been filed by the first respondent/plaintiff for declaration and for recovery of possession.

3. The learned counsel appearing for the petitioners submitted that the defendants have filed their written statement in the suit.

4. Since the present civil revision petition has been filed after a lapse of nearly seven years, I am of the considered view that inspite of deciding the present civil revision petition, the trial court can be directed to dispose of the suit in accordance with law.

5. It is needless to say that the trial court should take into consideration all the defences, raised by the defendants, while deciding the suit. Accordingly, I direct the Principal District Munsif, Alandur to

dispose of the suit in O.S.No.226/2009 on merits and in accordance with law, taking into consideration the case of both the parties, 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 disposed of. No costs. Consequently, connected CMP is closed.

20-07-2016

sr

Index:no
website:yes

To

The Principal District Munsif Court, Alandur

M. DURAISWAMY,J.,

CRP (PD)No.2201/2016

20-07-2016