

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE **PUSHPA SATHYANARAYANA**

C.R.P.P.D.No.765 of 2017
and C.M.P.No.3826 of 2017

Thamimul Ansari

.. Petitioner

-Vs.-

The Church of South India Trust Association
Trichirapalli-Thanjavur Diocese,
rep by its Power agents

1. S. Imanuvel.
2. Paul Dayabaran.

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and final order of the District Munsif, Nagapattinam in I.A.No.348 of 2016 in O.S.No.226 of 2011 dated 15.02.2017.

For petitioner ... Mr.M.R.Kuyilan

O R D E R

The defendant has preferred the above revision aggrieved by the order dated 15.02.2017 dismissing the application filed under Order 7 Rule 11 C.P.C.

2. The suit is filed for ejectment as the tenant has been in arrears of rent and the tenancy has been terminated even in March 2011.

3. The learned counsel for the petitioner/defendant contended that there is no cause of action to file the present suit as there was an earlier suit filed by the plaintiff in O.S.No.82 of 2007 against the petitioner for the same prayer, which was dismissed in the year 2010.

4. The said application was resisted by the plaintiff and after considering the oral and documentary evidence, the trial Court has dismissed the application. Aggrieved by the same, the above revision has been filed by the defendant.

5. The earlier suit was filed by the plaintiff-landlord for arrears of rent and for ejectment for a particular period and the same was dismissed as there was no arrears from the petitioner-tenant. The present suit is now filed by the plaintiff on a fresh cause of action that arose in the year 2011 contending that the lease period is over and the tenant is continuing to be in possession of the suit property, as a

trespasser. As a fresh cause of action is made out, the suit cannot be rejected at this stage. All the other defences that may be available for the defendant, may be raised in the written statement and proved in the suit accordingly.

6. With the above said observations, the Civil Revision Petition is dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petition is closed.

03.03.2017

srn

To

The District Munsif,
Nagapattinam

PUSHPA SATHYANARAYANA.J

To

The District Munsif,
Nagapattinam.

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