



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :22.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

C.R.P. (NPD) (MD)No.1481 of 2017

and

C.M.P (MD)No.7856 of 2017

1.Raju

2.Chinna Marisamy

... Petitioners/ Petitioners/
1st and 11th Defendant

-vs-

Kannan

... Respondent/ Respondent/
Plaintiff

PRAYER: Civil Revision Petition is filed, under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 26.04.2016 passed in I.A.No.328 of 2016 in O.S.No.248 of 2015 on the file of the District Munsif Court, Sivakasi.

For Petitioners : Mr.C.Jeyaprakash

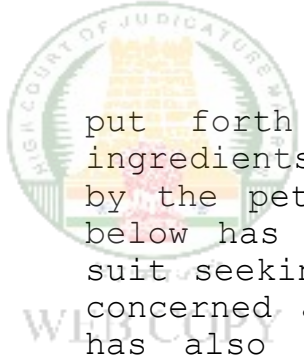
ORDER

The petitioners / defendants have preferred an application in I.A.No.328 of 2016 in O.S.No.248 of 2015 to reject the plaint under Order 7 Rule 11 of C.P.C. It is found that the above said suit has been laid by the respondent / plaintiff for declaration and other reliefs.

2.According to the petitioners / defendants, the respondent / plaintiff, who is no way connected with O.S.No.25 of 2004 cannot seek for the reliefs that the decree passed in the said suit is null and void and also cannot seek the reliefs of setting aside of the sale deeds executed by petitioners / defendants in respect of the property involved in the said suit.

3.The above application laid by the petitioners / defendants is resisted by the respondent / plaintiff on the footing that the respondent / plaintiff has sought for the declaration that he is entitled to the property concerned and for consequential reliefs and therefore the suit is maintainable and the petition laid by the plaintiff does not conform the requirements of the Order 7 Rule 11

4. The Court below on a consideration of the rival contentions



put forth by the respective parties found that none of the ingredients prescribed under Order 7 Rule 11 of C.P.C. is made out by the petitioners in their present petition. Further the Court below has also held that the respondent / plaintiff has laid the suit seeking for declaration that he is the owner of the property concerned and for consequential reliefs. Further the Court below has also observed that the petition laid by the petitioners / defendants cannot be sustained without impleading the other defendants.

5.It is thus found that the Court below has given convincing and acceptable reasons for the rejection of the application preferred by the petitioners / defendants. In such view of the matter, the impugned order does not call for any interference and resultantly, this Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

The District Munsif,
Sivakasi.

+ 1 CC TO Mr.C.JEYAPRAKASH, ADVOCATE IN SR No. 74362

MYR

TE/JC/SAR-I : 04/09/2017 : 2P/3C

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