

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.900 of 2015
& M.P.No.1 of 2015

Siva Annamalai

.. Petitioner

Vs.

1.R.Anandhi

2.N.C.Subramaniam

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to struck down the suit in O.S.No.14 of 2010 pending on the file of the District Munsif Court, Vandawasi, Thiruvannamalai District.

For Petitioner : Mr.M.L.Ramesh

For Respondents : Mr.B.Jawahar

ORDER

This Civil Revision Petition is filed to struck down the suit in O.S.No.14 of 2010 pending on the file of the District Munsif Court, Vandawasi, Thiruvannamalai District.

2.The petitioner is defendant and respondents are the plaintiffs in O.S.No.14 of 2010 on the file of the District Munsif Court, Vandawasi, Thiruvannamalai District. The respondents filed the said suit against the petitioner for declaration of title and for permanent injunction restraining the petitioner from interfering with their peaceful possession and enjoyment of the property. The petitioner filed present Civil Revision Petition to strike off the plaint on the ground that respondents did not file the document mentioned in the plaint, especially copy of the plaint in O.S.No.259 of 1998 filed by the second respondent, father of the first respondent against one K.Annamalai. The respondents have suppressed the material facts that O.S.No.17 of 2004 filed by the legal heirs of the K.Annamalai who are the vendors of the petitioner against the second respondent and exparte decree passed against second respondent. The respondents did not disclose the sale in favour of the petitioner by the legal heirs of K.Annamalai. The suit is abuse of process of Court, vexatious and wasting of Court's time.

3.The learned counsel for the respondents contended that respondents have filed documents relied on by them. The suit is filed for declaration and injunction as the petitioner tried to interfere

with the possession of the respondents. The suit is based on the settlement deed executed by the second respondent in favour of the first respondent and patta issued in favour of the second respondent and submitted that the Civil Revision Petition is devoid of merits.

4. Heard the learned counsel for the petitioner as well as the respondents and perused the materials available on record.

5. From the averments in the plaint, it is seen that the respondents are claiming title to the suit property and for injunction against the petitioner. The first respondent is claiming title based on the settlement deed executed by the second respondent in favour of the first respondent who is her father and patta issued by the authorities to her father, second respondent. The respondents have disclosed both the documents. Further, the respondents have mentioned the suit filed by the second respondent against K. Annamalai. As far as O.S.No.17 of 2004 which according to the petitioner is filed against the second respondent by legal heirs of K. Annamalai is concerned whether the said suit was decreed after contest or ex parte can be decided only after appreciating evidence let in by the parties. The petitioner claims that an ex parte decree has been passed in the above suit. The second respondent entered

appearance and subsequently did not contest and an ex parte decree has been passed.

6. In view of the above facts, it is for the petitioner to prove whether the respondents have suppressed the material facts. The allegation of suppression of the material facts cannot be decided in the summary proceedings. For the above reason the Civil Revision Petition is dismissed. In view of the contention of the respondents that already trial commenced and respondents have let in evidence and closed their side and suit is posted for petitioner side evidence, the learned District Munsif, Vandawasi is directed to dispose of the suit as expeditiously as possible, in any event not later than three (3) months from the date of receipt of a copy of this order.

7. With the above direction, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

22.01.2018

Index :: Yes/No
Internet :: Yes/No
Speaking order/Non-speaking order
gsa

To

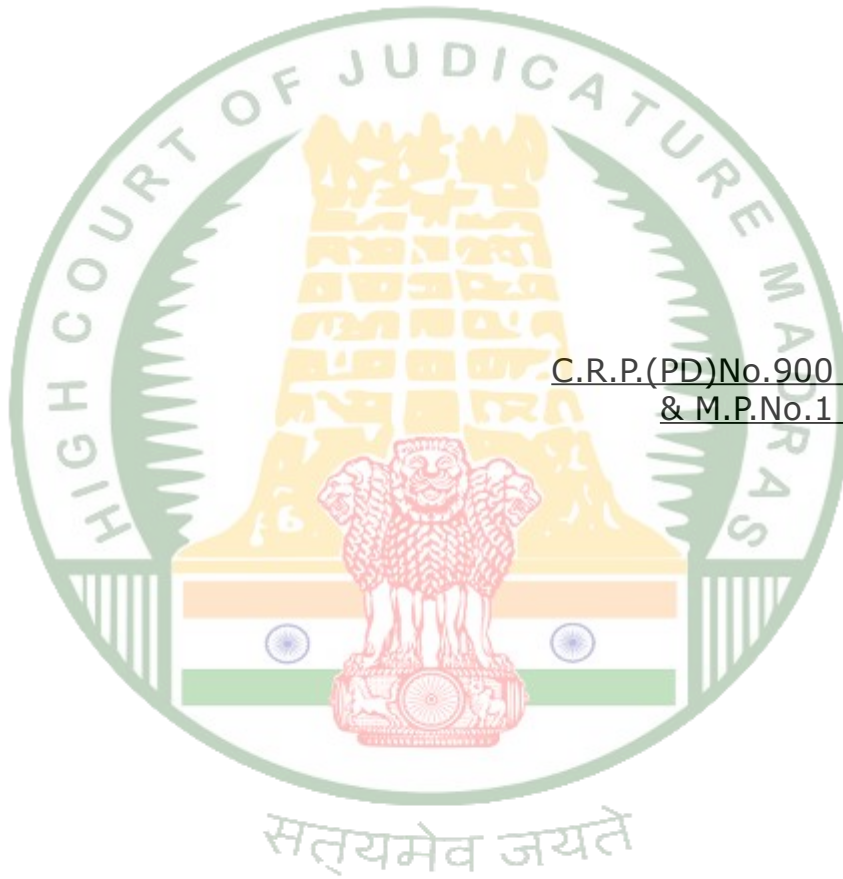
The District Munsif,
Vandawasi,
Thiruvannamalai District.



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V.M.VELUMANI,J.

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