



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.02.2018

CORAM:

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM
C.R.P. (PD) (MD) No.215 of 2018

and

C.M.P. (MD) No.917 of 2018

WEB COPY

1.M.Kalaiselvan
2.S.Syed Dawood
3.Sk Syed Ahmed Kabir

... Petitioners

Vs.

1.M.Nachimuthu
2.N.Kasturi

... Respondents

PRAYER:- Civil Revision Petition is filed, under Article 227 of the Constitution of India, aggrieved by the fair and decreetal order dated 10.10.2017 made in I.A.No.1286 of 2016 in O.S.No.232 of 2011 on the file of the Additional District Munsif, Karur.

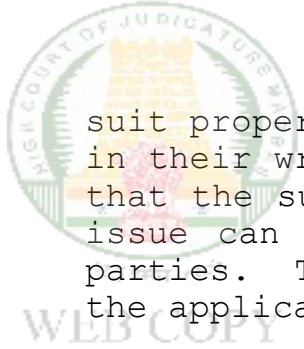
For Petitioners : Mr.K.Prabhakar
For Caveator : Mr.K.Gobindarajan

O R D E R

The Civil Revision Petition has been filed against the fair and decreetal order dated 10.10.2017 made in I.A.No.1286 of 2016 in O.S.No.232 of 2011 on the file of the learned Additional District Munsif, Karur.

2.I.A.No.1286 of 2016 has been filed by the petitioners / defendants stating that the respondents / plaintiffs have filed the suit for declaration that they are the owners of the suit property and also sought for permanent injunction. Further, the petitioners / defendants have stated that at the time of filing the suit, the respondents / plaintiffs have not made any mention about the buildings that were in the suit property and there are buildings and one swimming pool and two water connection and electric connection in the suit property and the facts were admitted only during the cross-examination of the respondents / plaintiffs as P.W.1 before the Court. Hence, the petitioners / defendants have filed the petition stating that the suit has been filed by the respondents / plaintiffs valuing the property at very low and proper court fee has not been paid.

3.The respondents / plaintiffs filed counter stating that the suit property is only an extent of 0.75 cent in T.S.No.2338 and one acre in T.S.No.2338 and for the said suit property permission was obtained from the Municipality and the buildings were constructed. It is also observed that these facts came to light only during the cross-examination of P.W.1. Regarding the construction made in the



suit property, the petitioners / defendants have not stated anything in their written statements. It is also observed by the Trial Court that the suit is pending from the year 2011 and at this stage, this issue can be tried only by way of evidence to be let in by both parties. The Trial Court by observing all these facts had dismissed the application.

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

5. Considering the view taken by the Trial Court and also the existence of buildings in the suit property, which require evidence also the pendency of the suit, the order of the Trial Court does not require any interference by this Court. The Civil Revision Petition is dismissed with a direction to the Trial Court to dispose of the suit at the earliest. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/
Assistant Registrar (Crl side)

/True copy/

Sub Assistant Registrar

To
The Additional District Munsif,
Karur.

+1cc to Mr.K.GOVINDARAJAN, Advocate, SR.No. 46035
+1cc to Mr.K.PRABHAKAR, Advocate, SR.No. 46500

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