



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2018

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THE HONOURABLE MR. JUSTICE **G.R. SWAMINATHAN**

C.R.P (MD) (PD) .No.712 of 2018

and

C.M.P (MD) .No.3140 of 2018

N.Chandra

... Petitioner

vs.

Gnanamani Ammal Chathiram
through its Akthar,
K.A.Murugappan

...Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 25.07.2017 passed in I.A.No.1565 of 2014 in O.S.No.363 of 2014 on the file of the Principal District Munsif Court, Tirunelveli by allowing this civil revision petition.

For Petitioner : Mr.K.N.Govardhanan
For Respondent : Mr.T.Selvam

O R D E R

The defendant in O.S.No.363 of 2014 on the file of the Principal District Munsif Court, Tirunelveli, is the revision petitioner herein. It is a suit for permanent injunction. In the said suit, the revision petitioner filed IA.No.1565 of 2014 for rejection of plaint. The Court below by order dated 25.07.2017 dismissed the said Interlocutory Application. Questioning the same, this civil revision petition has been filed.

2.Heard the learned counsel on either side.

3.As rightly pointed out by the Court below, the maintainability of the suit will have to be determined on the strength of the plaint averments alone. It is not open to the Court below to look at the possible defence of the defendant or the documents relied upon by him. Therefore, leaving all the contentions of the revision petitioner open, this Court dismisses



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this Civil Revision Petition and sustains the order passed by the Court below. Since the suit is of the year 2014 , the Court below shall dispose of the suit on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar(CS-I)

To

1.The Principal District Munsif Court,
Tirunelveli.

2.The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1 CC To MR.S.A.GANAPATHYRAMAN, Advocate SR. NO.88566

+1 CC To MR.T.SELVAN, Advocate SR. NO. 88592

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RMK

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