



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.01.2018

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.2588 of 2017

and

CMP(MD) No.11960 of 2017

1. KREMMER SANDEGREN FOUNDATION SOCIETY,
Rep. by its President,
REV.A.Dharmaraj (Died),
President of
KRIMMER SANDEGREN FOUNDATION SOCIETY.
2. D.Arul Raj
Vice President,
KREMMER SANDEGREN FOUNDATION SOCIETY.
3. D.ABRAHAM DASS
Secretary,
KREMMER SANDEGREN FOUNDATION SOCIETY,
16, First Floor,
St.John's Church Shopping Complex,
No.6,Rockkins Road,Trichirapalli - 620001.

.. Petitioners/Defendants 1, 3 and 4

Vs.

1. The Roman Catholic Diocese of Trichirapalli
Rep. by its Secretary Rev. Fr.John Peter
Bishop's House,
Post Box No.14,
12A Convent Road,
Trichirapalli - 620 001.
- 2.Y.Miyono Miklet
- 3.Lilly
- 4.M. Rengaraj
- 5.P.James
- 6.D.Jegan Britto
7. The State of Tamil nadu
rep. by the District Collector,
Collectorate,
Trichirapalli -1.



8. The Tahsildar
Trichy (East) Taluk Office,
Trichirapalli - 2.

9. The Revenue Divisional Officer
Trichirapalli.

10. The Village Administrative Officer,
8 Tharanallur Village,
Trichy East Taluk,
Trichy District.

... Respondents/Plaintiff and
Defendants 5 to 13

PRAYER: Petition filed under Article 227 of the Constitution of India, to call for the records relating to the plaint filed by the First Respondent / Plaintiff in O.S.No.1222 of 2015 on the file of the Learned District Munsif Court, Trichirapalli, reject the same and allow this revision with costs.

For Petitioner : Mr.A.Haja Mohideen

ORDER

The above Civil Revision Petition has been filed seeking a direction to the learned District Munsif, Trichy to reject the plaint filed by the first respondent / plaintiff in O.S.No.1222 of 2015.

2. The petitioners herein are the defendants 1, 3 and 4 in the suit in O.S.No.1222 of 2015. According to the petitioners/defendants, there is no cause of action for instituting the above suit and also there is no averment in the plaint to state as to how and from whom the plaintiff derived title over the suit property. The first respondent/plaintiff claims right by placing the gift settlement deed dated 31.08.1882 which shows that the right of Malwaram alone bequeathed to the first respondent which relates to property in Survey No.65, which is no way connected to the present suit property. The petitioners alone have been in enjoyment of the suit property in Survey No.93/4, Tharanallur Village, Trichirapalli. The relief sought by the first respondent is unknown to law, since without declaration of title, he has no locus standi to seek the relief of permanent injunction. The learned District Munsif Court, Trichirapalli has no jurisdiction to entertain the suit, since the value of the suit is more than Rs.4 crores. Therefore, the petitioners/defendants 1, 3 and 4 have filed this Civil Revision Petition seeking to reject the plaint, on the ground that the suit has been instituted without any cause of action and with the sole aim to harass the petitioners herein/defendants 1, 3 and 4.



3. Heard the learned Counsel for the petitioners and perused the materials available on record.

4. All the averments raised by the petitioners in this Civil Revision Petition has to be decided only before the Court below and at this juncture, the learned Counsel for the petitioners has submitted that though the petitioners have sought for a larger relief, now the petitioners confine their prayer for speedy disposal of the suit.

5. As the petitioners have confined their prayer for early disposal of the suit, no notice is necessary to the respondents in the present revision.

6. Considering the facts and circumstances of the case, this Court is of the view that ends of justice would be met, if a direction is issued to the trial Court. Accordingly, having regard to the submissions made by the learned Counsel for the petitioners and also taking into consideration the limited prayer sought for by the petitioners, this Court, without expressing any opinion with regard to the merits of the case, directs the learned District Munsif, Trichirapalli, to dispose of the suit in O.S.No.1222 of 2015, on merits and in accordance with law within a period of one year from the date of receipt of a copy of this order.

7. With the above direction, the Civil Revision Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To
The District Munsif,
District Munsif Court,
Trichirapalli.

+1cc to Mr.A.Haja Mohideen, Advocate Sr.No.40032

RM

VB/KK/SAR1/17/01/2018/3P/3C

C.R.P. (PD) (MD) No.2588 of 2017
02.01.2018