



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2018

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WEB COPY

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (NPD) (MD) Nos.1544 and 1545 of 2016
and C.M.P. (MD) No.7507 of 2016

In Both Petitions:

N.Selvapushpam

...Petitioner/Petitioner/Defendant

-Vs-

1.Abishali

2.Sujinjali

...Respondents/Respondents/Plaintiffs

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 2.6.2016 passed in I.A.Nos.519 and 520 of 2016 in O.S.No.248 of 2011 on the file of the Principal District Munsif Court, Srivilliputhur.

For Petitioner in both : Mr.S.A.Ganapathy Raman

For Respondents in both: Mr.M.Solaisamy

C O M M O N O R D E R

The defendant in O.S.No.248 of 2011 on the file of the Principal District Munsif Court, Srivilliputhur, is the revision petitioner herein. The suit has been filed for getting declaration that the cancellation deed executed by the revision petitioner is null and void and for permanent injunction.

2. The suit was filed in the year 2011. The trial commenced in the year 2013. When the matter was posted for arguments, the revision petitioner filed an Interlocutory Application for re-opening and another Interlocutory Application for receiving the additional written statement. Both the Interlocutory Applications were dismissed by the trial court. Questioning the same, these two Civil Revision Petitions have been filed.

3. Heard the learned counsel on either side.

4. This Court is of the view that the court below was justified in dismissing both the Interlocutory Applications. The belated nature of the applications is more than enough to dismiss them.

<https://hcservices.courts.gov.in/hcservices/>
5. The learned counsel appearing for the revision petitioner wanted to submit that in the absence of prayer for declaration of



title, the claim for injunction would not be maintainable. This is only a legal plea. This can be canvassed at the time of arguments. For taking a legal plea, there is no need for filing on additional written statement.

6. With these observations, the Civil Revision Petitions are dismissed. No costs. Consequently, connected C.M.P.(MD) No.7507 of 2016 is also dismissed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

Sub Assistant Registrar(CS-III)

To

1.The Principal District Munsif, Srivilliputhur.

2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.(2 Copies)

+ 1 CC TO MR.M.SOLAISAMY , ADVOCATE IN SR NO.85011

+ 1 CC TO MR.S.A.GANAPATHY RAMAN, ADVOCATE IN SR NO.84850

CM

BU/PM/SAR-III :26.10.2018 : 2P/6C

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