



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (PD) No.1896 of 2018

and

C.M.P. (MD) No.8226 of 2018

1.Suguna
2.K.Manikandan
3.C.D.Raphael

... Petitioners / Petitioners /
Defendants

/Vs./

S.Jothiramalingam

... Respondent/Respondent/Plaintiff

Prayer: Civil Revision Petition - filed under Article 227 of the Constitution of India, to pass an order setting aside the fair and executable order dated 25.04.2018 passed in I.A.No.409 of 2017 in O.S.No.525 of 2016 on the file of the Third Additional Subordinate Court, Madurai.

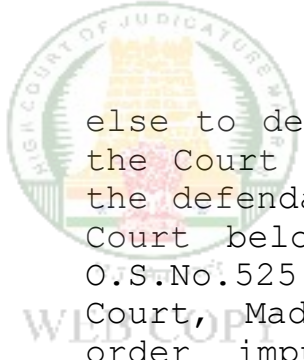
For Petitioners : Mr.J.Barathan
for Mr.T.R.Jeyapalam

ORDER

The defendants in O.S.No.525 of 2016 on the file of the Third Additional Sub Court, Madurai are the revision petitioners herein. The said suit has been filed for the relief of declaration, recovery of possession and mandatory injunction. To reject the said suit, the revision petitioners herein filed I.A.No.409 of 2017. The said Interlocutory Application was dismissed by the Court below by an order dated 25.04.2018. Questioning the correctness of the said order, the civil revision petition has been filed.

2. The learned counsel appearing for the revision petitioners reiterated the contentions set out in the memorandum of grounds. He pointed out that the plaintiff is indulging in abuse of process and forum shopping.

3. This Court is of the view that even though as many as 13 documents have been exhibited, they have not been proved as per law of evidence. The revision petitioners did not get in to the witness box to prove the said documents. But, more than anything



else to decide an application filed under Order 7 Rule 11 C.P.C., the Court has to only look at the plaint averments. The stand of the defendants cannot be considered at this stage. Therefore, the Court below was justified in dismissing I.A.No.409 of 2017 in O.S.No.525 of 2016 on the file of the Third Additional Subordinate Court, Madurai, filed by the revision petitioners herein. The order impugned in the civil revision petition is affirmed. Accordingly, the civil revision petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-III)

To

The Third Additional Subordinate Court,
Madurai.

+ 1 CC TO Mr.T.R.JEYAPALAM, ADVOCATE IN SR No. 81953

SM

TE/PM/SAR-3 : 05/10/2018 : 2P/3C

Order made in
C.R.P. (MD) (PD) No.1896 of 2018
03.09.2018