

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2019

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

CRP (PD) NO.2230 OF 2019

1.Mohanraj
2.Selvi
3.Balu

... Petitioners

Versus

Pavadai Chettiar

.. Respondent

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India to strike of the plaint in O.S.No.311 of 2019 on the file of the Sub-Court, Villupuram.

For Petitioners : Mr.K.Govi Ganesan

ORDER

The defendants are the revision petitioners. The respondent/plaintiff filed a suit for declaration of title and recovery of possession. The Trial Court granted an order of interim injunction restraining the revision petitioners from putting up further construction in the "B" Schedule property in I.A.No.202 of 2019. Aggrieved over the same, the petitioners are before this Court.

2. According to the petitioners / defendants, *prima facie* the plaint averments by itself reveal that the respondent/plaintiff purchased the property measuring 32 feet North south and 94 feet south west. The Commissioner's report, at the instance of the respondent / plaintiff clearly shows that the plaintiff is in possession of the entire 32 feet on the North South direction, as pleaded by him, but on false averments prevented the petitioners/defendants from putting up further construction in his property. Since the falsity is exposed by his own document, the plaint should be rejected.

3. Though the learned counsel appearing for the petitioners drew the attention of this Court on several aspects of the matter, he restrained his relief to the extent of speedy disposal of the interlocutory application. This Court has not found any reason to enter into the merits of the case.

4. Considering the submissions made by the learned counsel appearing for the petitioners, a direction is issued to the Principal Sub Judge, Villupuram, to dispose of I.A.No.202 of 2019 in O.S.No.311 of 2019 within a period of three weeks from the date of receipt of a copy of this order.

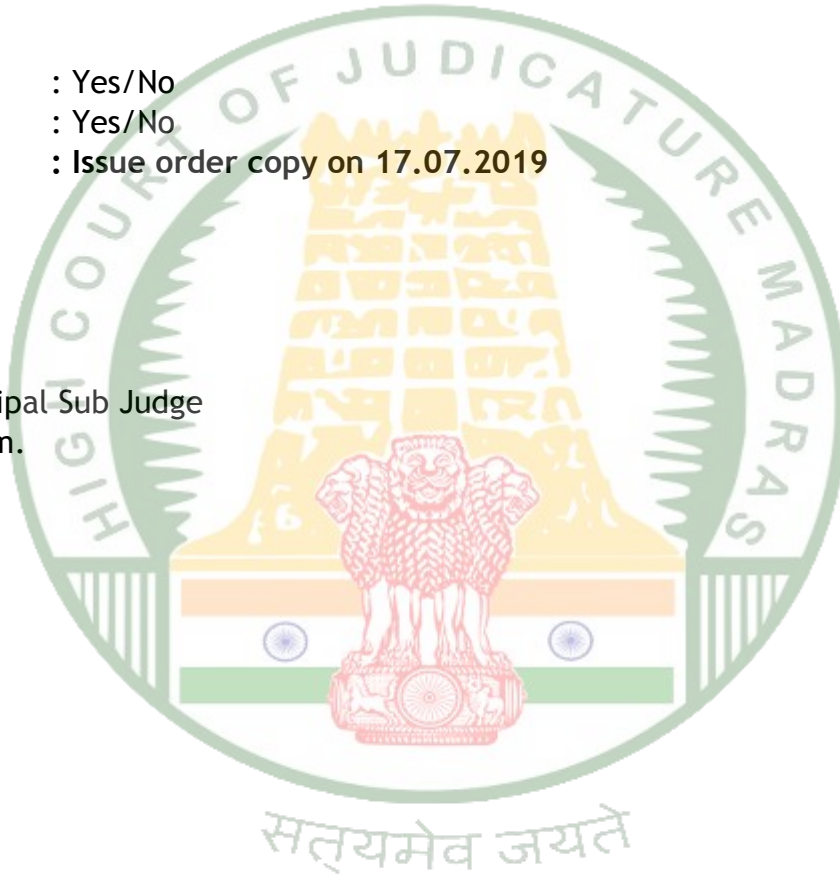
5. The Civil Revision Petition is disposed of with the above observation and direction. No costs.

12.07.2019

Index : Yes/No
Internet : Yes/No
Note : Issue order copy on 17.07.2019
TK

To

The Principal Sub Judge
Villupuram.



WEB COPY

M.GOVINDARAJ, J.

TK



CRP (PD) NO.2230 OF 2019

WEB COPY

12.07.2019