

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2020

C O R A M

THE HON'BLE MR. JUSTICE S.VAIDYANATHAN

C.R.P.(PD).No.4220 of 2017

1.K.Selvam

2.K.Sankar

...Petitioners

Vs

1.Ariyammal

2.T.Mangilal

3.J.Khangarram

4.V.Tararam

5.Hanjadevi

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, prayed to set aside the order made in O.S.SR.No.5064 of 2014 dated 24.03.2015 by the learned District Munsif Judge, Ponneri and allow the C.R.P, directing the learned District Munsif Judge, Ponneri to take the Suit on file and dispose of the same on merits.

For Petitioners : Mr.S.Arivazhagan

ORDER

This Civil Revision Petition is filed seeking to set aside the order dated 24.03.2015 made in O.S.Sr.No.5064 of 2014.

2. The Trial Court in the order dated 24.03.2015 passed in O.S.SR.No.5064 of 2014 has held that, the relief sought for in the Plaint itself is not maintainable. For better appreciation, relevant portion of the order passed by the Trial Court, is extracted hereunder:

“The plaintiffs had not questioned the decree passed in O.S.No.745/1990 either in O.S.No.8 of 2005 or in O.S.No.23 of 2008. The plaintiff cannot seek their relief in a piece-meal. As the plaintiffs did not question the decree in O.S.No.745/1990 in Execution Proceedings, in O.S.No.8/2005, and in O.S.No.23/2008, this suit for the relief (b) is not maintainable. As the Plaint cannot be rejected in part and as the relief (b) is the major relief and as the relief (b) is not maintainable, this court finds it proper to reject the plaint in whole.”

3. In view of the observation made in the above order, the contention of the learned counsel for the Petitioner that, the Petitioner purchased the property subsequently, cannot be accepted. As all the issues have rightly been pointed out in the order and that, the issue has attained finality, the

finding of the Trial Court to the effect that, the relief sought in the Plaint itself is not maintainable, is perfectly valid. Hence, this Court is not inclined to accept the plea of the Petitioner herein, as the Trial Court has rightly rejected the Plaint.

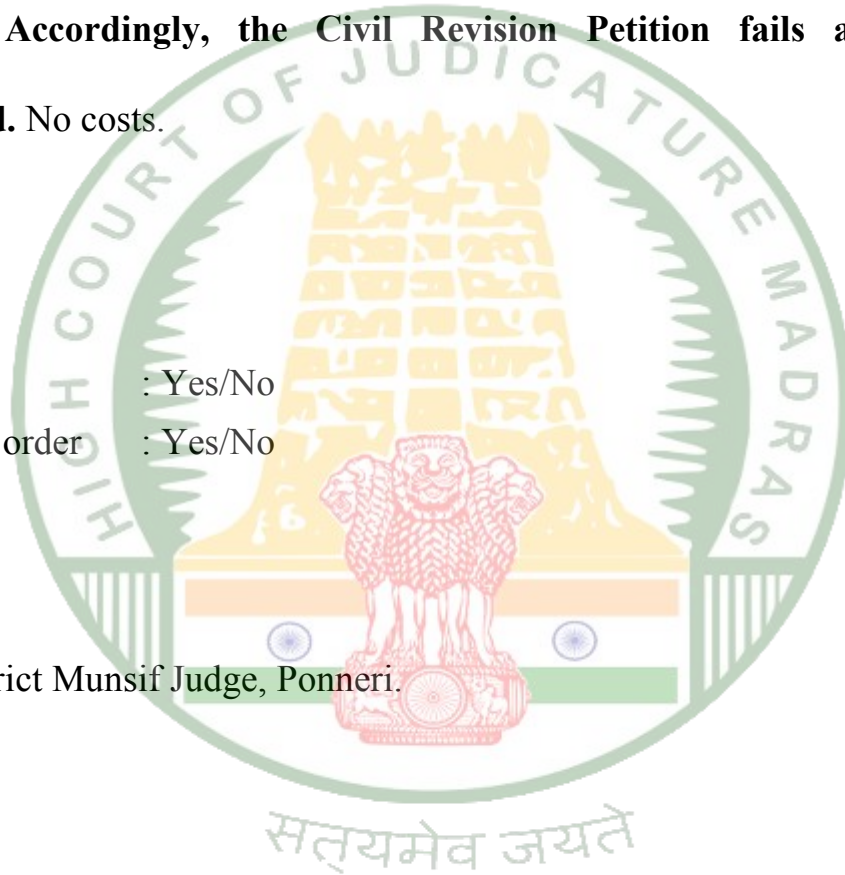
4. Accordingly, the Civil Revision Petition fails and stands dismissed. No costs.

13.03.2020

Index : Yes/No

Speaking order : Yes/No
(rst)

To
The District Munsif Judge, Ponneri.



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S.VAIDYANATHAN,J.

(rst)



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