



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2020

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WEB COPY

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

C.R.P. (MD) No.1042 of 2020
and
C.M.P. (MD) No.6653 of 2020

R.Chelladurai ... Petitioner/Petitioner/1st Defendant

-Vs-

1.P.Murugan

2.V.Raja

.. Respondents1 &2/Respondents1 & 2
/Plaintiffs 1 & 2

3. The Sub-Registrar,
Gangaikondan S.R.O.,
Gangaikondan,
Tirunelveli.

4. The Secretary to Government,
Municipal Administration and Water Sewerage Department,
St.George Fort,
Chennai-600 006.

5. The Commissioner,
Town and Country Planning,
807, Anna Salai,
Chennai-600 002.

6. The District Collector,
Tirunelveli District,
District Collector Office Campus,
Tirunelveli.

7. The Assistant Director, (Panchayats),
Rural Development,
District Collector Office Campus,
Tirunelveli.

8. The District Registrar (Administration),
Sankar Colony, Palayamkottai,
Tirunelveli.



9. The Block Development Officer,
Manur Panchayat Union,
Manur, Tirunelveli District.

10. The Special Officer,
Gangaikondan,
Tirunelveli District.

11. The Assistant Director,
Town and Country Planning,
V.O.C., Ground Opposite,
Palayamkottai,
Tirunelveli.

..Respondents 3-11/Respondents 3-11/
Defendants 3-11

Prayer: Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 08.01.2020 made in I.A.No.641 of 2017 in O.S.No.32 of 2017 on the file of the First Additional District Munsif, Tirunelveli.

For Petitioners : Mr.J.Pandi Dorai

O R D E R

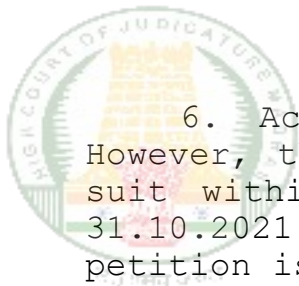
The present petition is filed by the first defendant in O.S.No.32 of 2017. Challenging an order of dismissing his I.A.No.641 of 2017, which he had filed for rejection of plaint under Order 7 Rule 11 C.P.C.,

2. The suit was laid for permanent injunction restraining the first defendant from alienating or encumbering the property. The plaint narrates slightly complicated set of facts arising out of few agreements. There is also a settlement deed said to have been executed by the first defendant/revision petitioner. The revision petitioner has also filed his written statement, which also raises considerable amount of facts.

3. Be that as it may, the revision petitioner has now filed I.A.No.641 of 2017 alleging that the plaintiffs were fraudulent in bringing the cause of action, where there is none. After enquiry, the trial Court has dismissed it.

4. Heard the learned counsel for the revision petitioner.

5. As already been outlined, there is complex question of fact involved and even if there is fraud, it is a matter for trial and therefore Order 7 Rule 11 CPC cannot be invoked. In these circumstances, this Court does not find any merit in this revision and it is liable to be dismissed.



6. Accordingly, this Civil Revision Petition is dismissed. However, the learned District Munsif is directed to dispose of the suit within a period of eight months at any rate on or before 31.10.2021. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2020

Sub Assistant Registrar (CS)

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To

1. The First Additional District Munsif,
Tirunelveli
2. The Sub-Registrar,
Gangaikondan S.R.O.,
Gangaikondan,
Tirunelveli.
3. The Secretary to Government,
Municipal Administration and Water Sewerage Department,
St.George Fort,
Chennai-600 006.
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