

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No.2003 of 2017
and CMP.No.9716 of 2017

N.Sivakumar

..Petitioner

Vs.

1.T.Moni Sivaneri

2.A.Ganesh @ Ganeshbabu

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India to strike of the plaint in OS.No.25 of 2017 on the file of the Court of District Munsif, Vellore as one barred by law.

For Petitioner : Mr.S.Sathia Chandran

For Respondents

For R1 : Mr.R.Bhagwat Krishna

R2 : notice served

ORDER

This civil revision petition is filed to strike of the plaint in the suit in OS.No.25 of 2017 on the file of the Court of District Munsif, Vellore filed by the first respondent herein.

2. The suit is filed for bare injunction restraining the petitioner and another from interfering in any manner with the plaintiff's peaceful possession, operation and maintenance of the cable TV service connections.

3. The learned counsel for the petitioner raised only one ground that the suit itself is not maintainable as per Section 27 of the Telecom Regulatory Authority of India Act, 1997, in which there is a clear bar of jurisdiction of civil court to deal with the matter relates to the Cable TV connections. It is relevant to extract provision under Section 27 of the Telecom Regulatory Authority of India Act as follows:

27. **Bar of jurisdiction** — No civil court shall have jurisdiction in respect of any matter which the Authority is empowered by or under this Act to determine.

4. On perusal of the plaint revealed that the petitioner is the licence holder and he is a registered cable TV operator for running a cable TV television network for a period of twelve months from 10.02.2017 onwards. The petitioner engaged two other persons to collect monthly subscription from the subscribers for the commission of 5% from the total collection amount. In turn, they sold out the said right to the plaintiff.

Therefore, dispute between the petitioner and others in respect of the right with regard to collection of subscription charges. It is no way connected with the authorities concerned or in respect of the license issued by the authorities concerned. Therefore, the above provision is not applicable to the case on hand and the suit is very much maintainable between the parties. As such, this court finds no grounds to strike of the plaint.

5. Accordingly, the civil revision petition is dismissed. Considering that the suit is of the year 2017, the trial court is directed to complete the trial as early as possible preferably within a period of twelve months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed. No order as to costs.

16.02.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No
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G.K.ILANTHIRAIYAN,J.

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To

The District Munsif,
Vellore



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