

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2021

CORAM

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

CRP.PD.No.959 of 2017

and

CMP.No.4767 of 2017

S.Devi

..Petitioner

Vs.

A.Arunachalam

..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order dated 22.12.2016 in IA.No.856 of 2016 in OS.No.63 of 2015 on the file of the District Munsif Court, Tambaram.

For Petitioner

: M/s.Nandhini
for Mr.R.Subramanian

For Respondent

: Mr.M.Babu Muthu Meeran

ORDER

This civil revision petition is filed against the fair and decretal order dated 22.12.2016 in IA.No.856 of 2016 in OS.No.63 of 2015 on the file of the District Munsif Court, Tambaram, thereby dismissed the petition to reject the plaint.

2. The petitioner is the defendant in the suit filed for bare injunction. On perusal of the plaint revealed that as per agreement, the petitioner promised to pay the entire amount for the suit schedule property before taking possession of the same. The construction agreement revealed that the contractor undertakes to handover the possession of building only after receipt of entire payment of the suit schedule property. Therefore, the case of the respondent is that the petitioner has not paid the entire dues and as such the possession of the suit property is not yet handed over to the petitioner herein. Therefore, there is cause of action for filing the suit and the court below rightly dismissed the petition for rejection of plaint. As such this Court finds no irregularity or infirmity in the order passed by the court below.

3. Accordingly, this civil revision petition is dismissed. However, the trial court is directed to dispose of the suit within a period of six months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed. No order as to costs.

30.03.2021

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 Court,
Tambaram.



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