



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2021

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRP(MD)No.993 of 2020

and

CMP(MD)No.6513 of 2020

1)The State of Tamilnadu,
Rep.through
The District Collector,
Sivagangai,
Collectorate Complex,
Sivagangai Town,
Sivagangai District.

2)The Block Development Officer(Village Panchayats)
Ilaiyangudi,
Ilaiyangudi Taluk,
Sivagangai District.

3)The Planning Officer,
District Rural Development Agency,
Collectorate Complex,
Sivagangai Town,
Sivagangai District.

... Petitioners

vs.

1)Velani
2)Alphonse

... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 19.11.2020 passed in I.A.No.10 of 2020 in O.S.No.36 of 2020 on the file of the learned District Munsif cum Judicial Magistrate, Ilaiyangudi.

For Petitioner : Mr.VR.Shanmuganathan
For Respondents : Mr.S.Srinivasa Raghavan

ORDER

This revision petition has been filed against the fair and decreetal order dated 19.11.2020 passed in I.A.No.10 of 2020 in O.S.No.36 of 2020 on the file of the learned District Munsif cum Judicial Magistrate, Ilaiyangudi.



2.The respondents as plaintiffs filed a suit in O.S.No.36 of 2020 on the file of the learned District Munsif cum Judicial Magistrate, Ilaiyangudi, seeking declaration of title and for consequential injunction. The suit property was 8 ares of lands in S.No.354/2B3, Athikarai Village. The father of the plaintiffs had sold measuring 10 cents in S.No.354/2 under a registered sale deed dated 18.04.1979 and it is clearly stated in the said sale deed that he is selling 10 cents on the eastern side to buyer and he is retaining the remaining 50½ cents on the western side with him. The respondents would state that the suit property is described as 8 ares with certain four boundaries which matches with the four boundaries for the property which was sold by the petitioner's father through the said sale deed and therefore, there is no cause of action for the plaintiff to file the present suit and therefore, the respondents filed an application in I.A.No.10/2020 to reject the plaint under Order 7 Rule 11 CPC which was dismissed, against which, the present revision petition has been filed.

3.Heard the learned counsel for the petitioners as well as the respondents.

4.Perusal of record shows that the learned Judge while taking the plaint on file, has to see whether Order 7 Rule 11 has been complied with or not and while looking into that, the learned Judge has to see the compliance of the other provisions by taking into considerations the averments of the plaintiff alone. Any dispute with regard to the same can be gone through only during trial. Locus standi and suppression of facts are not grounds for rejection of plaint. It is specifically disputed as to the area of the land which has been sold by the plaintiffs' father which is a disputed fact which can be gone through only during trial and therefore, the learned Judge has correctly dismissed the application for rejection of plaint which does not call for any interference from this Court.

5.Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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To

The District Munsif cum Judicial Magistrate,
Ilaiyangudi.

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-6744[F] dated
23/02/2021)

ORDER MADE IN
CRP (MD) No.993 of 2020
DATED : 22.02.2021

VB (04/05/2021) 3P / 3C