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C.R.P.(PD) No.1485 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **07.06.2022**

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.R.P.(PD).No.1485 of 2022

and

C.M.P.No.7608 of 2022

1.Mrs.C.Rajeswari
2.Mr.Theagarajan
3.Mr.Dhanasekaran
4.Mr.Mohanraj

... Petitioners

Vs.

1.Mrs.Rani
2.Mr.S.Sivakumar
3.Mr.S.Manikandan
4.Mr.S.Devaraj
5.Mr.Venkatesan

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 21.12.2021 in I.A.No.05 of 2021 in O.S.No.2209 of 2020 on the file of the XI Assistant City Civil Court at Chennai.

For Petitioners : Mr.K.P.Shanthosh



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ORDER

This Civil Revision Petition has been filed to set aside the order of the learned XI Assistant Judge, City Civil Court, Chennai, dated 21.12.2021 made in I.A.No.05 of 2021 in O.S.No.2209 of 2020.

2. The suit has been filed for the relief of permanent injunction. The petitioners are the defendants in the suit. They have filed a petition under Order VII Rule 11 C.P.C., for rejecting the plaint on the ground that the plaint does not disclose any cause of action and it is not maintainable. The cause of action can be read only on the basis of the averments made by the plaintiffs. It is the claim of the plaintiffs that the suit property belongs to him and on which the defendants are illegally putting up constructions.

3. The petitioners as defendants may have a good defence in the said suit and that will not preclude the plaintiffs from filing any suit on the basis of the cause of action as pleaded by them. The plaint would show a *prima-facie* on the basis of the averments and the documents filed therein.



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4. In such a context of the matter, there is no error on the part of the learned trial Judge to take the suit on file. I do not find any reason for interference in the order passed by the learned XI Assistant Judge, City Civil Court, Chennai.

5. Accordingly, the Civil Revision Petition is dismissed and the fair and decreetal order dated 21.12.2021 in I.A.No.05 of 2021 in O.S.No.2209 of 2020 on the file of the XI Assistant City Civil Court, Chennai is hereby confirmed. No Costs. Consequently, connected Civil Miscellaneous Petition is closed.

07.06.2022

Index : Yes/No
Speaking Order : Yes / No
ssn

To

1. The XI Assistant City Civil Court,
Chennai.
2. The Section Officer,
VR Section, Madras High Court,
Chennai.



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R.N.MANJULA, J.,

ssn

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