



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2022

CORAM

THE HON'BLE MRS.JUSTICE S.ANANTHI

C.R.P (MD)No.585 of 2022

and

C.M.P (MD)No.2472 of 2022

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S.K.Baskaran @ M.S.Baskaran

... Petitioner/Defendant

Vs.

Durga Jawaharlal

...Respondent/Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for records and set aside the fair and executable order dated 26.11.2021 passed in the application in I.A.No. 89 of 2021 in O.S.No.39 of 2020 on the file of the District Munsif Court, Madurai Taluk.

For Petitioner : Mr.J.Barathan

For Respondent : Mr.R.Ramasamy

ORDER

The Civil Revision Petition has been filed to set aside the fair and executable order dated 26.11.2021 passed in the application in I.A.No. 89 of 2021 in O.S.No.39 of 2020 on the file of the District Munsif Court, Madurai Taluk.

2.I.A.No.89 of 2021 was filed by the revision petitioner/defendant under Order 7 Rule 11 on the ground that the issuance of quit notice is against Section 106 of the Transfer of Property Act. Hence, the plaint can be rejected and there are some grounds under Order 7, Rule 11 CPC to reject the plaint.

This Court is of the considered view that the grounds raised under Order 7 Rule 11 can be decided only after trial. It is seen that already issues were framed and the suit is ripened for trial. Therefore, this Court finds no valid reason to interfere with the order of the Court below.

3.In view of the above, this Civil Revision Petition is dismissed. The order dated 26.11.2021 made in I.A.No. 89 of 2021 in O.S.No.39 of 2020 passed by the learned District Munsif, Madurai, is hereby confirmed. The revision petitioner is directed to proceed with the trial. Since the respondent is the senior citizen and the



trial is also started, the learned District Munsif, Madurai Taluk, is directed to dispose of the suit in O.S.No.39 of 2020 as expeditiously as possible. No costs. Consequently connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS.III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The District Munsif Court,
Madurai Taluk.

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-14195[F] dated
24/03/2022)

+1 CC to M/s.R.RAMASAMY, Advocate (SR-14787[F] dated 28/03/2022)

Order made in
C.R.P(MD)No.585 of 2022
and
C.M.P(MD)No.2472 of 2022
Dated: 24.03.2022

SA(25.04.2022) 2P 4C