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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2022

CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P (PD) (MD) .No. 857 of 2022

and CMP(MD)No.3427 of 2022

S.Chandrasekar .. Petitioner/3rd Defendants
Vs
1.G.Leena .. 1st Respondent/Plaintiff
2.M.Chandra @ Pappa
3.G.Muthiah @ Periyamuthian .. Respondents 2 to 3/Defendants 1 &2

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to struck off the plaint in O.S.No.17 of 2022, on the file of the District Munsif Court, Thirumangalam.

For Petitioner : Mr.K.Chengiz Khan

ORDER

This Civil Revision Petition has been filed by the revision petitioner to struck off the plaint in O.S.No.17 of 2022, on the file of the District Munsif Court, Thirumangalam.

2.Heard the learned counsel appearing for the petitioner and perused the materials available on record.

3.The revision petitioner has filed this revision to struck off the plaint in O.S.No.17 of 2022 pending on the file of the District Munsif Court, Thirumangalam, on the ground that the respondent/plaintiff is not a tenant. The agreement between the plaintiff and vendor of the defendant was expired as early as on 2020 and he purchased the property in the year 2019. Hence, there is no relationship of tenant and landlord between the plaintiff and himself. Even without any right, the revision petitioner/defendant has filed a suit for eviction and he could not interfere with the possession of the plaintiff with his henchmen.

4.The cause of action has to be proved in the suit, only after full trial. So only for this reason, the plaint cannot be struck off. The revision petitioner is hereby directed to proceed with the case.



5. With these directions, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

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/ /2022

Sub Assistant Registrar(CS)

PNM

To

1. The District Munsif, Thirumangalam

2. The Record Keeper,
Vernacular Section, Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K. CHENGIZ KHAN, Advocate (SR-19794[F] dated 20/04/2022)

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NSN (CO)

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