



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE S. ANANTHI

CRP(MD).No. 430 of 2019 and
CMP(MD).No.2141 of 2019

1. Sakkarai
2. Paulsamy
3. Balajothi
4. Chellamani
(one C. Selvakumar is recognised as power of attorney
of the 1st petitioner vide order dated 24.01.2022) .. petitioners

Vs.

Paulraj

.. Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to call for the records pertaining to the fair and decretal order in I.A.No.575 of 2018 in O.S.No.14 of 2018, dated 23.01.2019 passed by the Additional District Munsif, Thirumangalam.

For Petitioner	... Mr. C. Selvakumar
	Party in person
For Respondent	... No appearance

ORDER

The revision petitioners / defendants filed this revision to set aside the order passed in I.A.No.575 of 2018 in O.S.No.14 of 2018, dated 23.01.2019 by the Additional District Munsif, Thirumangalam, which was filed by the revision petitioners / defendants under Order 7 Rule 11 CPC to reject the plaint on the ground that the suit is barred under the Tamil Nadu Cultivating Tenants Protection Act.

2. Heard the learned counsel appearing for the petitioners. Though the name of the respondent printed in the cause, nobody has appeared either in person or through counsel.

3. Originally, the suit in O.S.No.14 of 2018 filed by the respondent / plaintiff to question the order of District Revenue Officer, Madurai in a tenancy proceeding. So, the defendants filed I.A.No.575 of 2018 to reject the plaint, since it is barred by law. The trial Court has dismissed the application on the ground that the petitioners have not proved as they are cultivating tenants.



4. Since the respondent / plaintiff questioned only the order of District Revenue Officer, which was passed under Cultivating Tenancy Protection Act, it cannot be questioned in Civil Court. Hence, the plaint can be rejected filed under Order 7 Rule 11 CPC. The trial Court has not properly considered the issue and passed an order and hence, this Court is inclined to interfere with the order passed by the Court below.

5. Accordingly, the Civil Revision Petition is allowed and the order dated 23.01.2019 passed in I.A.No.575 of 2018 in O.S.No.14 of 2018, on the file of the Additional District Munsif, Thirumangalam is set aside. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

To

The Additional District Munsif Court, Thirumangalam.

+1 CC to M/s.K.KANNAN, Advocate (SR-11122[F] dated 10/03/2022)

+1 CC to M/s.C.SELVAKUMAR, Advocate (SR-11123[F] dated 10/03/2022)

CRP(MD).No. 430 of 2019 and
CMP(MD).No.2141 of 2019

10.03.2022

sb(CO)

TR(23.03.2022) 2P 4C