



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE S. ANANTHI

CRP (MD) .No. 929 of 2020

1.Govindaraj
2.Rakku
3.Selvi

.. Petitioners/Peitioners 1,3&4/
Defendants 1,3&4
Vs.

1.Pandi

..Respondent/Respondent/Plaintiff

2.Santhanam

..2nd Respondent/2nd Petitioner/
2nd Defendant

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India against the order and decree dated 18.06.2020 passed in I.A.No.201 of 2019 in O.S.No.68 of 2018 on the file of the District Munsif Cum Judicial Magistrate, Ilayangudi, Sivagangai District.

For Petitioners : Mr. B. Prahalad Ravi

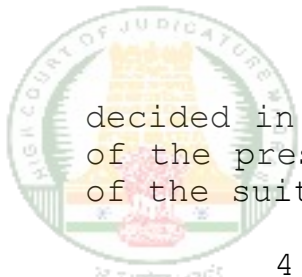
For respondents : No appearance

ORDER

The revision petitioners / defendants filed this revision to set aside the order, dated 18.06.2020 passed in I.A.No.201 of 2019 in O.S.No.68 of 2018 on the file of the District Munsif Cum Judicial Magistrate, Ilayangudi, Sivagangai District.

2. Heard the learned counsel appearing for the petitioner.

3. The revision petitioners / defendants filed the said Interlocutory Application in I.A.No.201 of 2019 under 7 Rule 11(d) CPC to reject the plaint on the ground that already there was a dispute between the parties regarding the suit property. So, the first respondent / plaintiff has filed a suit in O.S.No.67 of 2012 and the same was dismissed. The Counter claim of the revision petitioners in the said suit was also dismissed and the appeal is pending. The present suit is filed by the first respondent / plaintiff for declaration and injunction. Since the previous suit only for bare injunction, the title of the property has not been



decided in the said suit in O.S.No.67 of 2012. The cause of action of the present suit is raised only in the year 2018 after disposal of the suit in O.S.No.67 of 2012.

4. Since the title of the property was not decided in the previous suit, there is no bar in the present suit. So, the trial Court has rightly dismissed the application filed under Order 7 Rule 11(d) CPC. Hence, this Court has not find any valid reason to interfere with the order passed by the Court below.

5. Accordingly, this Civil Revision Petition is dismissed by confirming the order, dated 18.06.2020 made in I.A.No.201 of 2019 in O.S.No.68 of 2018 on the file of the District Munsif Cum Judicial Magistrate, Ilayangudi, Sivagangai District. Since the suit is pending from 2018, the trial Court is directed to dispose of the suit within a period of four months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

To

The District Munsif Cum Judicial Magistrate,
Ilayangudi, Sivagangai District.

+1 CC to M/s.B. PRAHALAD RAVI, Advocate (SR-19107[F] dated 18/04/2022)

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