



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2022

WEB COPY

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P (MD) No.1855 of 2017

Packiyarathinam

... Petitioner/Petitioner/
Defendant

Vs.

Balu (Died)

Kovilsamy Nathan (Died)

1.Arunakili

2.Muthulakshmi

3.Rajamani

4.Anburaj

5.Pavulraj

6.Emiselvi

... Respondents/Respondents/
Plaintiffs

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India against the fair and decretal order passed in I.A.No.805 of 2017 in O.S.No.20 of 2008, dated, 11.08.2017 on the file of Additional District Munsif Court, Ambasamudram.

For Petitioner : Mr.H.Arumugam

For Respondents : No Appearance

ORDER

The defendant is the revision petitioner.

2. The suit was filed for the relief of declaration of title and recovery of possession. Pending the suit, the defendant has filed I.A.No.805 of 2017 to reject the plaint.

3. The main ground, on which, the defendant had filed the said application was that the defendant has already filed O.S.No.340 of 2008 on the file of the Additional District Munsif, Ambasamudram for a declaration that the sale deed, dated, 20.08.2001 in the name of the defendant's ancestors as null and void and for permanent injunction. According to the revision petitioner, since the said suit is pending, the present suit is not maintainable in law and there is no cause of action for filing the present suit.



4. Per contra, the learned counsel for the respondents appearing in the revision petition submitted that the suit filed by the present revision petitioner has been dismissed on merits on 07.12.2021. That apart, whether there is a cause of action for filing the present suit has to be decided only after trial and on the face of it, the plaint cannot be rejected. Hence, the order of the trial Court dismissing the application for rejection of plaint is confirmed.

5. Accordingly, this Civil Revision petition is dismissed. No costs.

Sd/-

Assistant Registrar(Admn.I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Additional District Munsif Court,
Ambasamudram.

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

+1 CC to M/s.H.ARUMUGAM, Advocate
(SR-20976[F] dated 25/04/2022)

Order made in
C.R.P (MD) No.1855 of 2017
22.04.2022