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C.R.P.(PD)No.195



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

**C.R.P.(PD)No.1955 of 2018
and C.M.P.No.11329 of 2018**

1.R.Mohan

2.R.Rajendran

... Petitioners

Vs.

A/M.Bashyakara
Adhi Chennai Kesava Perumal Temple
Represented by its Executive Officer
Administrative Office at Chennai-33.

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India against an order dated 30.03.2016 in I.A.No.22123 of 2010 in O.S.No.8820 of 2009 on the file of the learned XVI Assistant Judge, City Civil Court, Chennai.

For Petitioners : Ms.Auxilia Peter

For Respondent : M/s.S.Surya
for M/s.A.S.Kailasam Associates



ORDER

The revision challenges an order dated 30.03.2016 in I.A.No.22123 of 2010 in O.S.No.8820 of 2009, passed by the learned XVI Assistant Judge, City Civil Court, Chennai.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondent. I have carefully gone through the records.

3. The civil revision petitioners are the defendants and the respondent is the plaintiff in O.S.No.8820 of 2009. An application that has been filed in I.A.No.22123 of 2010 is for rejection of plaint. The ground on which the petitioners seek for rejection of plaint is that the tenant is covered under the provisions of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 and therefore, a regular suit is not maintainable.

4. It is settled position of law that the said Minor Inams Act, 1963, does not bar the filing of the civil suit especially, an ejectment suit by the landlord as against the tenant. The factum of execution of the lease in the year 1936 is not disputed. The factum of issuance of notice under Section 106 of the Transfer of Property Act is also not in dispute. There are triable issues. A reading of the plaint shows that there is cause



of action. Consequently, the application for rejection of plaint is unsustainable and it has been rightly dismissed.

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5. In the result, the Civil Revision Petition stands dismissed. No costs.
Consequently, connected Miscellaneous Petition is closed.

25.07.2023

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

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To

XVI Assistant Judge, City Civil Court, Chennai.



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V.LAKSHMINARAYANAN,J.

Kj

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