



C.R.P.No.1854 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

C.R.P.No.1854 of 2023

and

C.M.P.No.11904 of 2023

1.S.Venkatesh

2.S.Anand

. . . Petitioners

Versus

1.Kandasamy Mudaliar

Mrs.Lakshmi (died)

2. Saraswathi

D/o.K.Jambulingam

3. Elumalai

4. Varadarajan

5. Saraswathi

D/o.Late K.Chockalingam

6. Mala

7. Karthika

8. Ezhilarasi

9. Kathiravan

. . . Respondents

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order dated 22.11.2022 passed by the Additional District Munsif, Tiruvallur in I.A.No.770 of 2016 in O.S.No.262 of 2015.



For Petitioners : Mr.S.Ramesh
For Respondents : Mr.S.Giridharan
for R1

ORDER

Heard Mr.S.Ramesh, learned counsel for the petitioners and perused the records.

2. This civil revision petition is filed challenging the dismissal of I.A.No.770 of 2016 in O.S.No.262 of 2015 on the file of the Additional District Munsif, Tirvallur, which was filed under Order VII Rule 11 of Code of Civil Procedure to reject the plaint, was rejected.

3. Learned counsel for the petitioners submitted that the suit claim itself is not tenable as a person through whom the respondents/plaintiffs claiming rights have no right or title in respect of the schedule of property as the defendants' predecessor in title have purchased the property in the Court auction. Further, the person through whom the respondents/plaintiffs claiming title have already relinquished their rights, thereby, he has no title and the respondents/plaintiffs will not get any rights over the property.

4. Mr.S.Giridharan, learned counsel appearing for the first



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respondent/caveators is present.

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5. The issues raised by the learned counsel for the petitioners are required to be decided after full fledged trial, since these aspects cannot be decided summarily under an application filed under Order VII Rule 11 of Code of Civil Procedure, which is essential and the same will be decided basing on the pleadings of the plaintiffs.

6. Considering the circumstances, this civil revision petition is disposed of directing the learned Additional District Munsif, Tiruvallur to dispose of O.S.No.262 of 2015 as expeditiously as possible, not later than six months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

21.06.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ms



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DR.D.NAGARJUN, J.,
ms

To

The Additional District Munsif,
Tiruvallur.

C.R.P.No.1854 of 2023
and
C.M.P.No.11904 of 2023

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