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C.R.P.No.2602 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.No.2602 of 2019

and

C.M.P.No.17141 of 2019

1. Dhanalakshmi Ammal

2. V.Duraivel

3. V.Elumalai

4. V.Kumarasami

5. Hemalatha

.... Petitioners

Vs

1. S.Komathi

2. S.Vinothkumar

3. S.Praveenkumar

.... Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of Constitution of India to allow the Civil Revision Petition by strike off the plaint in O.S.No.173 of 2019 on the file of the Sub Court, Ponneri.

For Petitioners : Mr.N.Kumar Rajan
For Respondents : Mr.D.Santhosh Bharath
for Mr.K.Mohanamurali

ORDER

This Civil Revision Petition has been filed to strike off the plaint in O.S.No.173 of 2019 on the file of the Sub Court, Ponneri.



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2. The petitioners are the defendants in the suit filed by the respondents for permanent injunction in respect of the suit property.

3. The learned counsel appearing for the petitioners would submit that even according to the respondents, the petitioners are strangers and they are no way connected with the suit property. Therefore, there was no cause of action to file the present suit and it is a clear abuse of process of law. It is further submitted that the respondents filed a petition before the Revenue Divisional Officer for restoration of possession under Section 4-A(6) of the Tamil Nadu Cultivating Tenants Protection Rules, 1955 in Application No.A1/1708 of 2019. It shows that the respondents are not in possession and enjoyment of the suit schedule property and they claim to be cultivating the same. The petitioners failed to file a petition to right over the property as against the original owners.

4. A perusal of the records reveals that there are bundle of facts and issues involved in the suit. Though the respondents filed a petition claiming right of cultivating and tenancy, it does not mean that they are not in possession and enjoyment of the suit schedule property.



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However, it has to be gone into substantively, in trial and as such, the
plaint cannot be rejected on the sole ground. That apart, there was cause
of action to file a suit and as such, this Court finds no merits in this
petition.

5. In the result, this Civil Revision Petition stands dismissed.

The petitioners are at liberty to raise all the grounds before the Trial
Court. Consequently, connected miscellaneous petition is closed. No
costs.

04.01.2023

Index: Yes/No

Internet: Yes/No

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To

The
The Subordinate Judge,
Ponneri.



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G.K.ILANTHIRAIYAN, J.

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