



C.R.P.No.2859 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2023

CORAM

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

C.R.P.No.2859 of 2017
and C.M.P.No.13480 of 2017

1. S.K.Abdul Rahman
2. K.M.Shameem Rahman
3. A.J.FirdausBanu

.. Petitioners

Vs.

1. Raja.G.N
2. A.Roselene Marlia

.. Respondents

Prayer:- Civil Revision Petition filed under Section 115 and 151 of CPC along with Article 227 of Constitution of India to set aside the Fair and Decretal order of the learned Judge dated 07.04.2017 in I.A.No.9743 of 2015 in O.S.No.1306 of 2015 filed under Order 7 Rule 11 of CPC on the file of XVII Assistant City Civil Court, Chennai.

For Petitioners : Mr.Akhil Akbar Ali

For R1 : Not ready in notice

For R2 : No appearance

ORDER

This Civil Revision Petition has been filed as against the Fair and Decretal order of the learned Judge dated 07.04.2017 in I.A.No.9743 of 2015 in O.S.No.1306 of 2015 filed under Order 7 Rule 11 of CPC on the file of XVII



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Assistant City Civil Court, Chennai, thereby dismissing the petition for rejection of plaint.

2. The petitioners are the defendants in the suit filed by the first respondent for bare injunction, restraining the petitioners from taking possession of the suit property, without due process of law. Pending suit, the petitioners filed an application to reject the plaint and the same was dismissed. Hence, this revision.

3. The learned counsel for the petitioners would submit that pending suit, the first respondent had filed another suit for recovery of money as against the petitioners and the same was decreed. As far as the present suit is concerned, already the Trial has commenced. P.W.1 was examined and the case was posted for cross examination of P.W.1.

4. Therefore, the Trial Court had rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the Court below and this revision is liable to be dismissed. The Trial Court is directed to dispose of the suit, within a period of six months from the date of receipt of a copy of this order.



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5. Accordingly, this Civil Revision Petition is dismissed. Consequently,

connected Miscellaneous petition is closed. No costs.

11.01.2023

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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G.K.ILANTHIRAIYAN,J.

mn

To

The XVII Assistant City Civil Court, Chennai.

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