



C.R.P.No.2065 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2023

CORAM

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

C.R.P.No.2065 of 2019
and C.M.P.No.13340 of 2019

N.Vasu

.. Petitioner

Vs.

Arulmigu Arunachaleswarar
and Anjaneyaswamy Temple,
Puduchathiram Village, Poonamale Taluk,
Represented by Executive Officer

.. Respondent

Prayer:- Civil Revision Petition filed under Article 227 of Constitution of India to allow the above Civil Revision Petition and set aside the dismissal order dated 24.07.2017 in I.A.685 of 2015 in O.S.55 of 2015 pending before District Munsiff, Poonamallee.

For Petitioner : No appearance

ORDER

This Civil Revision Petition has been filed as against the order passed in I.A.No.685 of 2015 in O.S.No.55 of 2015 dated 24.07.2017 on the file of the learned District Munsiff, Poonamallee, thereby dismissing the petition filed under Order 7 Rule 11(d) r/w Section 151 of CPC.

2. The petitioner is the defendant and the respondent is the plaintiff.



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The respondent filed a suit for permanent injunction in respect of the suit property. Pending suit, the petitioner filed an application for rejection of plaint, on the ground that the suit itself is barred by limitation. The respondent had already filed a suit in O.S.No.34 of 2009 for permanent injunction in respect of the very same property. That apart, a writ petition in W.P.No.24210 of 2007 has been filed as against the respondent before this Court and it is also pending. For presentation of the present suit, there was no cause of action.

3. A perusal of the plaint filed in O.S.No.55 of 2015 revealed that the cause of action arose on 10.02.2015 for filing a suit for permanent injunction. Therefore, there is cause of action to file the present suit and as such the Court below 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.



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4. Accordingly, this Civil Revision Petition is dismissed.

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Consequently, connected Miscellaneous petition is closed. No costs.

02.01.2023

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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G.K.ILANTHIRAIYAN,J.

mn

To

The District Munsiff, Poonamallee.

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02.01.2023