



C.R.P.(MD)No.209 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 06.12.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.209 of 2023

and

C.M.P.(MD)No.1016 of 2023

K.Shanmuganathan

: Petitioner/Petitioner/
Sole Defendant

Vs.

T.Ilayaraja

: Respondent/Respondent/
Plaintiff

Prayer : This Civil Revision Petition filed under Section 227 of Constitution of India, to set aside the fair and decreetal order, dated 16.11.2022 made in I.A.No.4 of 2020 in O.S.No.89 of 2019 on the file of the Principal District Munsif Court, Valliyur.

For Petitioner : Mr.K.Krishna

For Respondent : No Appearance



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ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.4 of 2020 in O.S.No.89 of 2019, dated 16.11.2022 on the file of the Principal District Munsif Court, Valliyur, dismissing the petition filed under Order VII Rule 11 C.P.C.

2. It is evident from the records that the respondent has filed a suit in O.S.No.89 of 2019 for permanent injunction restraining the revision petitioner and their men from interfering with his possession and enjoyment of the suit property by alleging that he is the tenant in respect of the suit property; that the petitioner has filed an application to reject the plaint alleging that the plaintiff has no cause of action to file the suit as he is not the tenant and his wife was the tenant and that the learned trial Judge, after enquiry, has passed the impugned order, dismissing the petition for rejection of plaint.

3. When the matter is taken up for hearing today, there is no representation for the respondent. The learned counsel for the petitioner



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would submit that since the landlord has filed an eviction petition against the original tenant/wife of the present plaintiff and got an eviction order and that the same was executed and the property was already handed over to the revision petitioner and as such, the very suit itself has become infructuous.

4. Recording the submission made by the learned counsel for the petitioner, the Civil Revision Petition is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petition is closed.

06.12.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
das

To

1. The Principal District Munsif, Valliyur.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

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