



C.R.P.(MD)No.2559 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2559 of 2023

and

C.M.P.(MD)No.13236 of 2023

Senthilkumar

: Petitioner/Petitioner/
Defendant

Vs.

Jeyaratchagan

: Respondent/Respondent/
Plaintiff

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.3 of 2023 in O.S.No.272 of 2015 on the file of the Principal District Munsif Court, Aruppukottai, dated 01.06.2023.

For Petitioner : Mr.P.Jessi Jeeva Priya

ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.3 of 2023 in O.S.No.272 of 2015 on the file of the Principal District Munsif Court, Aruppukottai, dated 01.06.2023., dismissing the counter claim.



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2. The respondent/plaintiff has filed the suit in O.S.No.272 of 2015, to declare that the suit property is belonging to him and for permanent injunction restraining the defendant from interfering with the plaintiff's peaceful possession and enjoyment of the suit property.

3. It is not in dispute that the trial has already been commenced and after closure of the plaintiff side evidence, the defendant has examined two witnesses and when the case was posted for defendant side evidence, the above application came to be filed.

4. The learned Principal District Munsif Court, Aruppukottai, has rightly relied on the decision of Hon'ble Supreme Court in ***Ashok Kumar Kalra Vs. Wing CDR.Surendra Agnohotri and others*** reported in ***2020 (2) CTC 437***, wherein the Hon'ble Supreme Court, while answering reference has specifically held that the counter claim can be filed after filing of the written statement, but not after the framing of issues. Since the petitioner has filed the above counter claim, when the defendant side evidence was in progress, the trial Court has rightly dismissed the petition. Hence, the Civil Revision Petition is devoid of merits and the same is liable to be dismissed.



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5. In view of the above, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

05.10.2023

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

To

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



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C.R.P.(MD)No.2559 of 2023

K.MURALI SHANKAR,J.

das

Order made in
C.R.P.(MD)No.2559 of 2023
and
C.M.P.(MD)No.13236 of 2023

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