



C.R.P.(MD)No.2669 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2669 of 2023
and
C.M.P.(MD)No.13904 of 2023

D.Sugumar : Petitioner/ Petitioner/
3rd Defendant

Vs.

1.T.Jeya Raj : Respondent/Respondent
Plaintiff

2.M.Dhana Sekaran

3.S.Jawahar @ Selvam : Respondents

Prayer : This Civil Revision Petition filed under Article 115 C.P.C., to set aside the order made in I.A.No.504 of 2022 in O.S.No.109 of 2019, dated 07.09.20023 on the file of the District Munsif Court, Madurai Taluk, Madurai.

For Petitioner : Mr.V.P.Rajan

For Respondent : Mr.K.Govindarajan, for R1.



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ORDER

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The Civil Revision Petition is directed against the order passed in I.A.No.504 of 2022 in O.S.No.109 of 2019, dated 07.09.20023 on the file of the District Munsif Court, Madurai Taluk, Madurai, dismissing the petition filed under Order VII Rule 11 C.P.C.

2. The first respondent has filed the suit in O.S.No.109 of 2019 claiming permanent injunction restraining the defendants therein from interfering with the plaintiff's peaceful possession and enjoyment of the suit property. The petitioner, by alleging that the earlier suit in O.S.No.369 of 1979, has already been decreed and suppressing the same, the sale deed has been executed and at the instance of the revision petitioner, the same was cancelled by the Registering authority and that since the plaint does not disclose any cause of action, has filed the above application for rejection of plaint.

3. The learned counsel for the respondent would submit that challenging the order of cancellation of sale deed, an appeal has been preferred and the same is pending.



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4. Whatever it is, the ground now raised in the petition cannot be taken as a ground for rejection of plaint and at this stage, this Court cannot go into the aspects now canvassed. Hence, this Court is not inclined interfere with the impugned order. But the petitioner is at liberty to plead the aspects now canvassed, in the written statement before the concerned Court and raise a preliminary issue in that regard, in accordance with law.

5. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous petition is closed. No costs.

18.10.2023

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

To

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



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K.MURALI SHANKAR,J.

das

Order made in
C.R.P.(MD)No.2669 of 2023
and
C.M.P.(MD)No.13904 of 2023

Dated : 18.10.2023