



C.R.P.(MD)No.3029 of 2023

WEB COPY

DATED: 20.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.3029 of 2023

Anvar Ali

... Petitioner/
Plaintiff

Vs.

1. M.K.Mohammed Usman

2. U.P.V.D.Abdul Samad

3. A.Shahul Hameed

... Respondents/
Defendants

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the docket order passed by the learned Principal District Munsif, Kulithalai, Karur District, passed on 05.08.2023 in O.S. Filing No.182/2023, O.S.S.R.No.2363 of 2023, CNR.No.TNKR090001412023 and direct the trial Court to take the plaint on file and number the same and decide the merits of the suit.

For Petitioner : Mr.M.Jahangir Baba



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ORDER

The Civil Revision Petition is directed against the rejection of the plaint in O.S. Filling No.182/2023, O.S.S.R.No.2363 of 2023, CNR. No. TNKR090001412023, dated 05.08.2023 on the file of the Principal District Munsif Court, Kulithalai.

2. It is seen from the records that the learned trial Judge has initially returned the plaint raising some query, that the revision petitioner/plaintiff has represented the same and that thereafter, the learned trial Judge, after hearing the plaintiff's side, has passed the impugned order rejecting the plaint.

3. It is seen from the impugned order that the learned trial Judge, after considering the bar under Section 85 of the Waqf Act, has given a specific finding that the civil Court has no jurisdiction and rejected the plaint. In view of the above, the impugned order rejecting the plaint is a decree and as such, appeal alone will lie. Hence, this Court has no hesitation to hold that the revision is not maintainable.



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4. At this juncture, the learned counsel appearing for the revision petitioner would submit that the time spent before the revisional Court may be ordered to be excluded for filing the appeal.

5. In the result, this Civil Revision Petition is dismissed. However, the revision petitioner is at liberty to prefer an appeal before the concerned Court and on such filing, the appellate Court is directed to take note of the time spent before the revisional Court. No costs.

20.11.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

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



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K.MURALI SHANKAR,J.

csn

Order made in
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