



C.R.P.(MD)No.3275 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.3275 of 2023
and
C.M.P.(MD)No.16888 of 2023

A.Paramasivan : Petitioner/Petitioner
1st Defendant

Vs.

1.S.Navaneetha Krishnan

2.N.Ramesh : Respondents/Respondents/Plaintiffs

3.G.Ravi : Respondent/Respondent/2nd Defendant

Prayer : This Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order in I.A.No.5 of 2023 in O.S.No.84 of 2024, dated 31.08.2023 on the file of the II Additional District Munsif, Tirunelveli.

For Petitioner : Mr.KA.Ramakrishnan



C.R.P.(MD)No.3275 of 2023

WEB COPY

ORDER

The Civil Revision Petition is directed against the order in I.A.No.5 of 2023 in O.S.No.84 of 2024, dated 31.08.2023 on the file of the II Additional District Munsif, Tirunelveli, dismissing the petition filed under Order VII Rule 11 of C.P.C.

2. The respondents 1 and 2 plaintiffs have filed the suit against the revision petitioner, claiming permanent injunction restraining the defendants and their men from making any construction in the first schedule property and for permanent injunction restraining the defendants and their men from preventing the plaintiffs to use the plaintiff second schedule property. Pending suit, the first defendant has filed the above application, seeking to reject the plaint on the ground that the plaint does not disclose any cause of action.

3. No doubt, it is settled law that the plaint can be rejected, if the plaint does not disclose any cause of action. But whether the cause of action alleged is true or not, is a matter for trial. The learned trial Judge,



C.R.P.(MD)No.3275 of 2023

by observing that the plaintiffs have specifically alleged a cause of action and those factual aspects cannot be gone into at this stage, dismissed the petition.

4. The learned counsel for the petitioners would submit that the injunction cannot be claimed against co-owner. No doubt, it is a settled preposition of law, but that by itself, is not a ground for rejecting the plaint and hence, the impugned order dismissing the petition cannot be found fault with. Hence, this Court concludes that the Civil Revision Petition is devoid of merits and the same is liable to be dismissed.

5. Accordingly, the Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition closed. No costs.

14.12.2023

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



C.R.P.(MD)No.3275 of 2023

WEB COPY

To

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



WEB COPY



C.R.P.(MD)No.3275 of 2023

K.MURALI SHANKAR,J.

das

Order made in
C.R.P.(MD)No.3275 of 2023
and
C.M.P.(MD)No.16888 of 2023

Dated : 14.12.2023