



C.R.P.No.1161 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.1161 of 2024

and

C.M.P.No.5975 of 2024

The Branch Manager
M/s.Manappuram Finance Limited
73, Gandhi Road,
Annupurpalayam Pudhur,
Tirupur-641 652

... Petitioner

Vs.

R.Arumugam

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to strike off the plaint in O.S.No.160 of 2023 on the file of the District Munsif Court, Tirupur.

For Petitioner

:Mr.K.Vijayakumar



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ORDER

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The Civil Revision Petition is filed to strike of the plaint in O.S.No.160 of 2023 on the file of the District Munsif Court, Tirupur.

2. The petitioner is the defendant in the suit. The respondent herein filed a suit for bare injunction restraining the defendant and his men from vacating the suit property by dismantling two safety lockers and cabins without the assistance of qualified engineer and qualified technicians and without latest machines and by damaging the suit property.

3. The learned counsel for the petitioner submits that petitioner entered the suit property as a tenant under respondent and there is an arbitration clause in the tenancy agreement. Therefore, the suit is not maintainable.

4. If if the case of the petitioner that in view of the existence of arbitration clause in the tenancy agreement between the petitioner and the respondent, the suit filed by the respondent is not maintainable before the Civil Court, it is for the petitioner to file appropriate application under Section



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8 of Arbitration Act before the concerned Court. Therefore, this Court is not inclined to exercise the supervisory power under Article 227 of Constitution of India. Accordingly, this Civil Revision Petition stands dismissed with liberty to the petitioner to move appropriate application under Section 8 of Arbitration Act before the concerned Court. No costs. Consequently, connected miscellaneous petition is closed.

27.03.2024

Index : Yes / No
Internet : Yes / No
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To
The District Munsif Court, Tirupur.



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S.SOUNTHAR, J.

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