



C.R.P (PD) No.2010 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.05.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

C.R.P (PD) No.2010 of 2024

&

C.M.P.No.10715 of 2024

Mr.Ranganathan R

... Petitioner

Vs

Mr.Habebullah

... Respondent

Prayer: This Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order made in O.S.Sr.No.3125 of 2024 on the file of the District Munsif, Kallakurichi and direct the District Munsif, Kallakurichi Court to take petitioner's suit in O.S.Sr.No.3125 of 2024 on file and number the same along with interim injunction petition.

For Petitioner : Mr.Sam Jayaraj Houston



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ORDER

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This Civil Revision Petition has been filed seeking to set aside the Order dated 29.04.2024 passed in O.S.SR.No.3125 of 2024 by the District Munsif, Kallakurichi and consequently, direct the District Munsif, Kallakurichi, to take the suit in O.S.No.3125 of 2024 on file and number the same along with interim injunction petition.

2. Heard Mr.Sam Jayaraj Houston, learned counsel for petitioner.

3. The learned counsel for the petitioner submits that the District Munsif Court has returned the plaint on a wrong footing.

4. On a perusal of the records, it appears that the petitioner herein had filed a suit in O.S.No.22 of 2022 before the III Additional District Court, Kallakurichi and it was dismissed, against which the petitioner preferred an appeal before this Court in A.S.No.468 of 2023 and the same was allowed by setting aside the judgment and decree of the trial Court.



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Thereafter, the petitioner herein has filed a suit for permanent injunction which was returned by the trial Court raising maintainability issue.

5. The trial Court may either take the case on file or pass appropriate orders on merits.

6. Accordingly, this Civil Revision Petition is allowed. The trial Court is directed to pass appropriate orders in the suit preferably within two weeks from the date of receipt of copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

09.05.2024

Note: Issue order copy by 10.05.2024

Index: Yes/No
Speaking order / Non speaking order
gpa/gm

To

The District Munsif
Kallakurichi



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R.KALAIMATHI,J.

gpa

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