



C.R.P.No.3625 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2024

CORAM

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

C.R.P.No.3625 of 2023
and C.M.P.No.22703 of 2023

S.R.Udayakumar

... Petitioner

-VS-

1. Vijayaraghavan
2. S.Sampath Kumar

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the Order dated July 18, 2023 made in I.A.No.8 of 2023 in O.S.No.8327 of 2022 on the file of the XXI Assistant City Civil Court, Chennai, by allowing this Civil Revision Petition.

For Petitioner : Mr.D.Raghu



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For Respondents : No Appearance

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ORDER

This Civil Revision Petition is filed praying to set aside the Order dated July 18, 2023 made in I.A.No.8 of 2023 in O.S.No.8327 of 2022 on the file of the XXI Assistant City Civil Court, Chennai. ['Trial Court' for short]

2. Heard Mr.D.Raghu, learned Counsel for the revision petitioner. No representation for the respondents.

3. The revision petitioner herein is the second defendant, first respondent herein is the plaintiff and the second respondent herein is the 1st defendant in the Original Suit. The 1st defendant is the tenant under the second defendant. The revision petitioner / second defendant has initiated proceedings in R.L.T.O.P.No.132 of 2022 against the first defendant / second respondent. The said petition was allowed on July 02, 2024. In the meantime, the plaintiff has filed a Suit seeking bare injunction against the



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defendants before the Trial Court.

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4. Learned Counsel for the revision petitioner / second defendant has submitted that there is no cause of action against the revision petitioner / second defendant. The R.L.T.O.P.No.132 of 2022 was allowed on July 2, 2024. Now the revision petitioner / second defendant has filed an Execution Application before the Trial Court and the same is pending. The Suit has been filed collusively with a view to delay the Execution Proceedings in R.L.T.O.P.No.132 of 2022. In the circumstances, the Suit filed by the plaintiff has no cause of action and hence the plaint has to be rejected. The Trial Court without appreciating the entire facts, dismissed the application filed under Order VII Rule 11 of the Code of Civil Procedure, 1908. Accordingly, he has prayed to allow the Civil Revision Petition and reject the plaint in O.S.No.8327 of 2022.

5. This Court has perused the plaint and plaint averments, plaintiff has narrated some causes of action in plaint paragraph No.13. The aspect that whether causes of action pleaded by the plaintiff is true or not, can be



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seen only during Trial. Since the 2nd defendant is the absolute owner of the Suit property, he is necessary party to the Suit. The Trial Court only after considering the relevant points dismissed the petition. The learned Counsel for the 2nd defendant has submitted that 2nd defendant filed written statement and the Original Suit is in Trial stage and if in case, this Court is not inclined to interfere with the Order of the Trial Court, he prayed to issue direction to the Trial Court for speedy Trial. In view of the submission made by the learned Counsel for the 2nd defendant and considering the facts and circumstances, this Court directs the Trial Court to dispose of the Suit in O.S.No.8327 of 2022 as expeditiously as possible preferably within a period of **three months** from the date of receipt of a copy of this Order.

6. With the above observation, this Civil Revision Petition is disposed of. There shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Index : Yes / No

Internet : Yes / No

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Neutral Citation: Yes / No

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To

The XXI Assistant City Civil Court,
Chennai.



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R.SAKTHIVEL,J

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