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C.R.P.(PD)No.4621 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.4621 of 2024
and CMP No.25844 of 2024

Jude Jayaseelan.A

... Petitioner

VS

M/s Ammaveedu Theresian Charitable Trust,
Rep by its Social Worker,
Mrs.Sumini Jomon,
No.10/1, Sriram Avenue,
Arul Nagar, MMC, Chennai-600 051.

.... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to strike-off the plaint filed by the respondent/plaintiff in O.S.No.85 of 2022 pending on the file of District Munsif Cum Judicial Magistrate, Madhavaram.

For Petitioner : Mr.M.Rajasekaran

ORDER

The civil revision petition seeks to strike off the plaint in O.S.No.85 of 2022 pending on the file of District Munsif cum Judicial Magistrate,



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Madhavaram.

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2. The civil revision petitioner is the defendant in O.S.No.85 of 2022.

The respondent/plaintiff presented O.S.No.85 of 2022 pleading that the civil revision petitioner is trying to dispossess her from the suit property. The case of the respondent/plaintiff is that pursuant to an agreement entered into between the Trust and the landlord on 01.01.2019, the Trust is in possession and occupation of the property. The defendant allegedly threatened the plaintiff with dire consequences in case the Trust does not vacate and hand over the possession. Hence the suit.

3. Mr.M.Rajasekaran pleads that a suit can be filed only against the owner of the property viz., his client's wife viz., Mrs.Maria Christiana Prathiba and not against the petitioner. Hence he seeks for striking off the plaint.

4. I have heard Mr.M.Rajasekaran in support of the civil revision petitioner.

5. The position of law that prevails in this country atleast from the time of *Midnapur Zamindari Company vs Naresh Narayan Roy (1924) 20 LW*



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770 (PC) that a person who is in possession of the property cannot be

dispossessed except otherwise by resorting to the law.

6. Admittedly the petitioner is not the owner of the property. The plaint proceeds that the defendant attempted to dispossess the plaintiff/tenant from the property. When the landlord herself is not entitled to take law into her own hands and dispossess the tenant, the tenant is certainly entitled to an order of injunction from forcible dispossession against any third party or any person claiming through the landlord. Therefore, if the tenant has been threatened as alleged in the plaint by the defendants, she is certainly entitled to present the suit that the civil revision petitioner is not entitled to interfere with his possession. That being the position of law, I find no reason to interfere.

7. In the result, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

19.11.2024

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

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V.LAKSHMINARAYANAN,J.,

SI

To

The District Munsif Cum Judicial Magistrate, Madhavaram.

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