



WEB COPY



C.R.P.[NPD].Nos.4318 of 2022 & 194, 198, 199 & 211 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.[NPD]Nos.4318 of 2022, 194, 198, 199 & 211 of 2023

Mujipur Rahman

... Petitioner
in C.R.P.[NPD]No.4318 of 2024

Mohammed Basheer

... Petitioner
in C.R.P.[NPD]No.194 of 2023

Shahul Hameed

... Petitioner
in C.R.P.[NPD]No.198 of 2023

M.Jaleel

... Petitioner
in C.R.P.[NPD]No.199 of 2023

Zahir Hussain

... Petitioner
in C.R.P.[NPD]No.211 of 2023

Vs.

1.M.Muthappa Mohammed
2.Nazeer Ahmed

.. Respondents
in all C.R.Ps

(1st respondent's name amended vide
Court order dated 05.11.2024 made in
C.R.P.[NPD]Nos.4318 of 2024, 194,
198, 199 & 211 of 2023)

1/6



C.R.P.[NPD].Nos.4318 of 2022 & 194, 198, 199 & 211 of 2023

Common Prayer: Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the order passed in C.F.R.Nos.28326, 28324, 28325, 28323 & 28319 of 2022 in Unnumbered O.S.No. /2022 on the file of the Principal District Munsif Court, Coimbatore, dated 01.12.2022.

In all C.R.Ps

For Petitioner : Mr.Saravanan.P
For R1 : Mrs.S.Uma Maheswari

COMMON ORDER

These Civil Revision Petitions have been filed seeking to set aside the order passed in C.F.R.Nos.28326, 28324, 28325, 28323 & 28319 of 2022 in Unnumbered O.S.No. /2022 on the file of the Principal District Munsif Court, Coimbatore, dated 01.12.2022.

2.The brief facts of the case are as follows:

2.1.The suit has been filed by the petitioners/plaintiffs seeking for permanent injunction. It is alleged by the petitioners that the ancestors of the petitioners entered an oral agreement with one Vijayammal, wife of



C.R.P.[NPD].Nos.4318 of 2022 & 194, 198, 199 & 211 of 2023

Manickam and running a shop in the subject property from the year 1986 and paid the deposit amount of Rs.10,000/-. The said Vijayammal died in the year 1987 and thereafter, her husband also died. There is no issues in this regard. However, the defendants are trying to disturb the possession of the petitioners and hence, the suit has been filed. However, the Trial Court dismissed the suit before numbering mainly on the ground that no documents have been filed and the original owners has not been impleaded.

3.The learned counsel appearing for the respondents submitted that they purchased the property from the legal heirs of Vijayammal on 26.03.2001. The suit has been filed against the third parties without impleading the owners of the property.

4.In reply, learned counsel appearing for the petitioners submitted that he will file a suit against the exact owners of the property.

5.Upon hearing, this Court is of the view that as the suit was already rejected, the same will not preclude the petitioner from filing the suit with



C.R.P.[NPD].Nos.4318 of 2022 & 194, 198, 199 & 211 of 2023

same cause of action against the owner of the property and the same shall be decided on merits.

6. Accordingly, these Civil Revision Petitions are disposed of. No costs.

07.11.2024

rst

Index : Yes/No

Internet: Yes/No

Speaking/Non-Speaking Order

To:

The Principal District Munsif Court,
Coimbatore.



WEB COPY



C.R.P.[NPD].Nos.4318 of 2022 & 194, 198, 199 & 211 of 2023

N.SATHISH KUMAR, J.



WEB COPY



C.R.P.[NPD].Nos.4318 of 2022 & 194, 198, 199 & 211 of 2023

rst

C.R.P.[NPD]Nos.4318 of 2022, 194, 198,
199 & 211 of 2023

07.11.2024