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C.R.P.(MD)No.671 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 27/03/2024

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

C.R.P(MD)No.671 of 2024

and

CMP(MD)No.3359 of 2024

1.S.Veeragopal

2.V.Sivarani

3.S.Subbulakshmi

: Petitioners/Petitioners/
Defendants

Vs.

S.Muthuraman

: Respondent/Respondent/
Plaintiff

PRAYER:-Civil Revision Petition has been filed under Article 227 of the Constitution of India, to call for the records relating to the fair order and decreetal order, dated 04/01/2024 passed by the Principal District Munsif, Aruppukottai, in IA No.3 of 2023 in OS No.95 of 2021.

For Petitioners : Mr.P.Muneeswaran

ORDER

This civil revision is filed seeking an order to set aside the fair order and decreetal order, dated 04/01/2024 passed in IA No.3 of 2023 in OS No.95 of 2021 by the Principal District Munsif, Aruppukottai.



C.R.P.(MD)No.671 of 2024

2. The facts in brief:-

Suit in OS No.95 of 2021 was filed by the respondent herein as plaintiff seeking the relief of permanent injunction restraining the petitioners herein/defendants not to evict him or discontinuing the amenities, other than under due process of law. The respondent is the tenant under the petitioners. After receiving the summons, they also entered appearance, filed their written statement. Later, the petitioners/defendants filed a petition under Order 7 Rule 11(a) and 151 CPC to reject the plaint. After hearing both sides, that came to be dismissed by the trial court.

3. Against which, this civil revision petition is preferred.

4. The facts narrated in the plaint is that the suit property is a residential house, which belongs to the first defendant namely Veeragopal. On the western side, the defendants are residing. So along with the first defendant, the family members also living there. The respondent/plaintiff became the tenant from August-2018. It was a oral lease agreement. The monthly rent was fixed at Rs.5,000/- Rs.50,000/- was paid as advance. The monthly rent was renewed periodically.



C.R.P.(MD)No.671 of 2024

articles were also found missing. A case in Crime No.72 of 2022 was registered before the Taluk Police Station, Aruppukottai. Regarding the violation of temporary injunction, they also filed a petition in IA No.2 of 2022. Pending that application, the defendants filed IA No.3 of 2023 seeking rejection of the plaint. That came to be dismissed by trial court.

7.Against which, this civil revision petitio is preferred.

8.The court is of the view that this is not the fittest case for admission since factual issues are involved. It is not denied by the petitioners that the respondent was inducted as tenant in the disputed property. Later, trouble arose between them, over which a police complaint and suit are also filed.

9.According to the petitioners, there is no cause of action for the suit, since in May-2020, the respondent vacated the premises. There is also subsequent development to the police complaint, etc. facts.

10.Whether there is any cause of action for the suit or not, is a matter for consideration by the trial court,



C.R.P.(MD)No.671 of 2024

at the time of trial, on the basis of the oral and documentary evidence. Regarding the vacation also, there is an issue between the parties, over which a case has been registered in Cr. No.72 of 2022.

11.As stated above, in that circumstance, the ground on which, the impugned petition filed by the petitioners is not maintainable. So, none of the grounds under Order 7 Rule 11(a) CPC are attracted.

12.I find no reason to entertain this petition. Even at the stage of admission itself, it deserves dismissal. Accordingly, it is **dismissed**. No costs. Consequently, connected Miscellaneous Petition is closed.

27/03/2024

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Principal District Munsif,
Aruppukottai.
- 2.The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai..



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C.R.P.(MD)No.671 of 2024

G.ILANGOVAN, J

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C.R.P (MD) No. 671 of 2024

27/03/2024