



CRP(MD).No.1058 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 04.07.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

**C.R.P(MD)No.1058 of 2022
and
C.M.P(MD).No.4234 of 2022**

Kamalakannan

... Petitioner

-Vs-

1.Seenivasan

2.Muthukrishnan

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 16.12.2021 passed in I.A.No.102 of 2020 in O.S.No.250 of 2019 on the file of the Additional District Munsif Court Thirumangalam.

For Petitioner : Mr.A.V.Arjun

For Respondents : No appearance

ORDER

The civil revision petition is filed to set aside the order dated 16.12.2021 passed in I.A.No.102 of 2020 in O.S.No.250 of 2019 on the file of the Additional District Munsif Court, Thirumangalam.



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2. In the said Interlocutory Application, the petitioner has prayed for the rejection of plaint. The said prayer was rejected by the trial Court and therefore, the present revision is filed.

3. The learned counsel for the petitioner would submit that on the face of it, the plaint is liable to be rejected. He would submit that the rights of the parties have been decided in the earlier round of litigation and therefore, the trial Court erred in rejecting the application filed under Order 7 Rule 11 of the Civil Procedure Code. According to him, when the suit does not even disclose any cause of action, the trial Court ought to have rejected the same at the threshold. The learned counsel would also rely upon the judgments of this Court reported in **(2008) 3 MLJ 371 (C.E.Sulochana and others Vs., C.E.Sathyanarayana Reddy), (2008) 3 MLJ 821 (M.Somasundaram and another Vs., District Collector-cum-Accommodation Controller, Chennai and others) and 2015 (3) CTC 54 (Vasumathi H.Shah vs., Pushpa Raju)** in support of his arguments.



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4. I have considered the submission made by the learned counsel for the petitioner and perused the materials record of the case.

5. The suit is of the year 2019. The Interlocutory Application for rejection of plaint is filed in the year 2020 and the same was dismissed in the year 2021. The civil revision petition is filed in the year 2022. The same is not yet admitted and not even notice has been ordered. There is no interim order. All along the suit has been proceeded. The petitioner has filed his written statement and taken part in the proceedings. Therefore, at this stage, this Court need not interfere in the petition filed to reject the plaint and giving liberty to the petitioner herein to raise all the grounds raised in the present civil revision petition as well as in the petition for rejection of plaint before the trial Court during trial and leaving it open for the trial Court to consider the same objectively on merits, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

04.07.2024

NCC : Yes/No

Index : Yes / No

Rmk



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- To
- 1.The Additional District Munsif, Thirumangalam.
 - 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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D.BHARATHA CHAKRAVARTHY, J.

Rmk

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