



C.R.P.(MD)No.1263 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.1263 of 2024

and

C.M.P.(MD)No.7263 of 2024

P.N.Boopathi Raja

... Petitioner / Petitioner / Plaintiff

Vs.

1.Swaji Narayanan

2.Maga Sannidhanam,
Thiruvaduthurai Aadhinam,
Thiruvaduthura Kuthalam Taluk,
Mayiladuthurai District.

3.South Zonal Manager,
Thiruvduthurai Aadhinam,
Door No.210, Malaradha Street,
Thirunelveli Town,
Thirunelveli District.

... Respondents/Respondents/Defendants

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records pertaining to the order passed in the I.A.No.6 of 2024 in O.S.No.93 of 2023 dated 21.02.2024 pending on the file of the District Munsif Court, Rajapalayam and set-aside the same.

For Petitioner : Mr.N.Tamilmani

For Respondents : Mr.R.Senthilkumar for R1.
Mr.B.Brijesh Kishore for R2 & R3.

* * *



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ORDER

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Heard both sides.

2.The plaintiff is O.S.No.93 of 2023 on the file of the District Munsif Court, Rajapalayam is the revision petitioner. The suit is for bare injunction. In the said suit, the plaintiff filed I.A.No.6 of 2024 seeking permission to sell the petition mentioned plant and machinery. The I.A. was dismissed vide order dated 21.02.2024. Challenging the same, this civil revision petition came to be filed.

3.The learned counsel for the revision petitioner reiterated all the contentions set out in the memorandum of grounds of the civil revision petition.

4.I am not persuaded by the said submissions. As rightly pointed out by the learned counsel for the contesting respondents, the prayer in the I.A. is beyond the scope of the main suit itself. In fact, that is a reason given by the Court below for dismissing the I.A. The Court below has carefully considered the rival contentions and given strong and convincing reasons for dismissing the I.A. Interference is not warranted. It is always open to the revision petitioner to seek amendment of the plaint.



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5.The civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

17.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
ias

To:

The District Munsif Court,
Rajapalayam.



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G.R.SWAMINATHAN, J.

ias

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