



C.R.P(MD)No.1735 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P(MD)No.1735 of 2024

and

CMP(MD)No.10031of 2024

N.Kannan

... Petitioner/Petitioner/Defendant

vs.

N.Nallasubbu

... Respondent/Respondent/Plaintiff

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 03.11.2023 made in I.A.No.4 of 2023 in O.S.No.120 of 2022 on the file of the District Munsif, Thirumangalam.

For Petitioner : Mr.C.Prithviraj

ORDER

The Civil Revision Petition is filed to set aside the order dated 03.11.2023 made in I.A.No.4 of 2023 in O.S.No.120 of 2022 on the file of the District Munsif, Thirumangalam.



C.R.P(MD)No.1735 of 2024

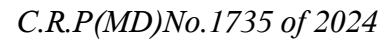
WEB COPY

2.By the said order, the interlocutory application filed by the petitioner is dismissed. In the said interlocutory application, the petitioner has prayed for rejection of plaint. The contention of the petitioner in the application is that, admittedly, even as per the plaint, the defendant is a co-owner and therefore, when a suit is filed for a permanent injunction, the suit as against the owner is not maintainable. The trial Court dismissed the said application. As against which, the present petition is filed.

3.The learned counsel for the petitioner submits that when even admittedly, as per the plaint, only the mother of the defendant alone has permitted him to occupy and when the plaintiff himself has accepted that the defendant is a co-owner, the suit for permanent injunction, on the face of it, is bound to fail.

4.I have considered the said submissions made on behalf of the learned counsel for the petitioner and also perused the material records of the case.

5.It can be seen that the suit is not for a permanent injunction simpliciter. But it is a suit for a permanent injunction not to dispossess the



31.07.2024

To

<https://www.mhc.tn.gov.in/judis>
3/4



WEB COPY



C.R.P(MD)No.1735 of 2024

D.BHARATHA CHAKRAVARTHY, J.

sjj

C.R.P(MD)No.1735 of 2024

31.07.2024