



C.R.P.(MD)No.1910 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 19.08.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.1910 of 2024
and
C.M.P.(MD)No.10833 of 2024

A.Dulsi ... Petitioner / Petitioner / Defendant

Vs.

A.Prince Asariya ... Respondent / Respondent / Plaintiff

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order in I.A.No.633 of 2022 in O.S.No.129 of 2019, dated 13.06.2024 on the file of the V Additional District and Sessions Court, Madurai.

For Petitioner : Mr.S.Vijayashanthi

ORDER

The defendant in O.S.No.129 of 2019 on the file of the V Additional District and Sessions Court, Madurai is the revision petitioner herein. The suit is for recovery of possession. Admittedly, the defendant is a tenant. The



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defendant filed I.A.No.633 of 2022 for rejection of the plaint. The court below dismissed the same vide order dated 13.06.2024. Questioning the same, this Civil Revision Petition has been filed.

2. The learned counsel appearing for the revision petitioner points out that the plaintiff had already sold the suit property and that he is no longer the title holder. According to the counsel, the plaintiff lacks the locus standi to maintain the suit. I am not swayed by the said submission of the learned counsel appearing for the revision petitioner. Admittedly, the revision petitioner is only a tenant. My attention has not been drawn to any case law or statutory provision which disentitle the lessor to maintain a suit for recovery of possession if he had already conveyed his title over the suit property in favour of another person. In this case, trial has already commenced. In fact, IA itself was filed on the strength of some admission said to have been made by the plaintiff.

3. In these circumstances, the question of rejection of the suit at this stage does not arise at all. The Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

19.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

The V Additional District and Sessions Court, Madurai.



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G.R.SWAMINATHAN, J.

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