



C.R.P(MD)No.2317 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)No.2317 of 2024
and
C.M.P(MD)No.13141 of 2024

R.Nagendran

... Petitioner /
Petitioner /
Defendant

Vs.

M.Chittu

... Respondent /
Respondent /
Plaintiff

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed I.A. No.142 of 2023 in O.S.No.74 of 2022 on the file of the District Munsif cum Judicial Magistrate, Alangudi dated 12.02.2024.

For Petitioner : Mr.R.Balakrishnan

For Respondent : Mr.Maniyarasu



C.R.P(MD)No.2317 of 2024

ORDER

WEB COPY

Heard both sides.

2.The defendant in O.S.No.74 of 2022 on the file of District Munsif cum Judicial Magistrate, Alangudi is the revision petitioner herein. The respondent herein filed the said suit for permanent injunction. The petitioner herein filed I.A.No.142 of 2023 for rejection of plaint. The said Interlocutory Application was dismissed vide order dated 12.02.2024. Questioning the same, this Civil Revision Petition came to be filed.

3.The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of Civil Revision Petition. He points out that the documents relied on by the plaintiff in support of her claim of possession are fabricated.

4.I am clearly of the view that at this stage these aspects cannot be gone into. Even without filing any documentary proof, one can maintain a suit for injunction. The contentions urged by the learned counsel for



C.R.P(MD)No.2317 of 2024

the petitioner can very well to be gone into during the main hearing. The petitioner is aged about 82 years old. Since he is a senior citizen, I direct the learned District Munsif cum Judicial Magistrate, Alangudi to dispose of O.S.No.74 of 2022 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. The order impugned in this Civil Revision Petition is sustained. The aforesaid direction for speedy disposal of a suit is given.

5.This Civil Revision Petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

25.09.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

The District Munsif cum Judicial Magistrate,
Alangudi.



WEB COPY



C.R.P(MD)No.2317 of 2024

G.R.SWAMINATHAN, J.

MGA

C.R.P(MD)No.2317 of 2024
and
C.M.P(MD)No.13141 of 2024

25.09.2024