



C.R.P(MD)No.2291 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.09.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)No.2291 of 2024
and
C.M.P(MD)No.12969 of 2024

1.N.Andiappa
2.N.Chelladurai
3.P.Murugaiah

... Petitioners /
Petitioners /
Defendants

Vs.

1.T.Selvakumar
2.Selvakumari
3.T.Mariya Sundari

... Respondents /
Respondents /
Plaintiffs

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 20.03.2024 passed in I.A.No.9 of 2024 in O.S.No.240 of 2019 on the file of the 3rd Additional District Court, Tirunelveli by allowing this civil revision petition.

For Petitioners : Mr.N.Pragalathan



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ORDER

The defendants in O.S.No.240 of 2019 on the file of III Additional District Court, Tirunelveli are the revision petitioners herein. They filed I.A.No.9 of 2024 pointing out that the suit properties are punja lands and that the suit should have been presented before the District Munsif Court, Tirunelveli. The revision petitioners invoked Section 15 of CPC. It states that every suit shall be instituted in the Court of the lowest grade competent to try it. IA was dismissed vide order dated 20.03.2024. Questioning the same, this Civil Revision Petition came to be filed.

2.The learned counsel for the revision petitioners reiterated all the contentions set out in the memorandum of grounds and called upon this Court to set aside the impugned order and grant relief as prayed for.

3.I am not swayed by the said submissions. The Court below has pointed out that the ground now taken in the Interlocutory Application was not pleaded in the written statement. The other reason cited by the Court below is that the trial has already commenced and PW.1 has



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already been cross examined. In the course of cross examination, the defendants did not raise the point now urged.

4.The plaintiffs as a dominus litus are entitled to appropriately value the suit and they cannot be questioned by the defendants. In any event, the subject matter is one between the Court and the plaintiffs. The reasons given by the Court below are sound. Interference is not warranted.

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

23.09.2024

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

To

III Additional District Court,
Tirunelveli.

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G.R.SWAMINATHAN, J.

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