



CRP(PD)(MD).No.2814 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.11.2024

CORAM

THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI

C.R.P(PD)(MD)No.2814 of 2024

Malarkodi

: Revision Petitioner

Vs.

1.Moonusamy
2.Eswaran
3.Anand
4.The District Revenue Officer,
Madurai.
5.The Revenue Divisional Officer,
Usilampatti,
Madurai District.
6.The District Collector,
Madurai.

: Respondents / respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the decree and Judgment order, dated 24.07.2024 passed in O.S.No.173 of 2024 on the file of the Subordinate Court, Usilampatti, Madurai District.

For Petitioner

:Mr.B.Narayanram

For respondents 4 to 6

: Mr.B.Saravanan

Additional Government Pleader



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ORDER

The present revision is preferred against the decree and Judgment, dated 24.07.2024 passed in O.S.No.173 of 2024 on the file of the Subordinate Court, Usilampatti, Madurai District.

2. The above said suit in O.S.No.173 of 2024 is filed for the relief of declaration and injunction. The trial Court has rejected the plaint under Order VII Rule 11(a) and (d) CPC stating that the suit is filed based on the un-registered sale deed. Aggrieved by the same, the present revision is preferred.

3. The learned counsel appearing for the revision petitioner submits that the suit is based on un-registered sale deed cannot be a ground for rejection of the plaint. He would further submit that the plaintiff relies on the documents only for collateral purpose and therefore, the trial court ought to have given an opportunity to the plaintiff to putforth his case and prays for setting aside the order passed by the trial Court.

4. Heard the learned counsel appearing for the petitioner. The



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learned Government Advocate takes notice for the respondents 4 to 6 has objection to allow this revision.

5. While it is submitted by the plaintiff that the un-registered sale deeds in the subsequent documents relied on by the plaintiff only for collateral purpose, the said issue ought to have been adjudicated only on merits. Therefore, the plaint cannot be rejected on the ground that the suit is based on the un-registered sale deed. Hence, the order dated 24.07.2024, made in O.S.No.173 of 2024 on the file of the Subordinate Court, Usilampatti, Madurai District is liable to be set aside and accordingly, set aside.

6. In the result, this Civil Revision Petition is allowed. There shall be a direction to the trial Court to take suit on file and issue notice to the defendants in the suit and dispose of the same in accordance with law.
No costs.

18.11.2024

Index : Yes / No
Internet : Yes/ No
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K. GOVINDARAJAN THILAKAVADI, J.,

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To
The Subordinate Court, Usilampatti,
Madurai District.

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