



C.R.P.(MD)No.2178 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 09.09.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2178 of 2024

and

C.M.P.(MD)No.12340 of 2024

Abiramam Periya Pallivasal,
Abiramam, Kamuthi Taluk,
Ramanathapuram District,
Rep. by its Managing Trustee,
S.M.Naseer.

... Petitioner/Defendant

Vs.

M.S.Syed Nasar

... Respondent/Plaintiff

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for records pertaining to strike off the plaint filed by the respondent in O.S.No.2 of 2020 on the file of the Learned Judicial Magistrate cum District Munsif, Kamuthi, Ramanathapuram District.

For Petitioner : Mr.M.Seeni Sulthan

* * *

ORDER

Heard the learned counsel for the revision petitioner. Issuance of notice to the respondent is dispensed with.



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2.The respondent filed O.S.No.2 of 2020 on the file of the District Munsif Court, Kamuthi seeking permanent injunction.

3.The case of the petitioner is that the suit property is a endowed property and that the jurisdiction of the Civil Court is barred under Section 85 of the WAQF Act, 1995.

4.The learned counsel for the petitioner states that the petitioner filed an application for rejection of plaint under Order VII Rule 11 of CPC. The I.A. was numbered of I.A.No.10 of 2021. His grievance is that the I.A. is being adjourned without disposal. That is why, he has filed the present civil revision petition to strike off the suit itself.

5.When the petitioner has already availed the remedy under Order VII Rule 11 of Civil Procedure Code, it is just and proper that he is directed to pursue the same.

6.The learned District Munsif, Kamuthi is directed to dispose of I.A.No.10 of 2021 in O.S.No.2 of 2020 on merits and in accordance with law



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within a period of six weeks from the date of receipt of a copy of this order. I have not gone into the merits of the matter.

7.The civil revision petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

09.09.2024

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

The Judicial Magistrate cum District Munsif,
Kamuthi, Ramanathapuram District.



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G.R.SWAMINATHAN, J.

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