



C.R.P. (MD) No. 3127 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

C.R.P. (MD) No. 3127 of 2023
and
C.M.P. (MD) No. 16090 of 2023

Kannan

... Petitioner

-VS-

1.Poomayil
2.Petchiammal

3.The Sub Registrar,
Sub Registrar Office,
Sayalkudi, Ramanathapuram District.

4.The State rep. by
The District Collector,
Ramanathapuram District.

5.Senthilkumar
6.Ramamoorthy
7.Bajurul Rahman
8.Marimuthu

... Respondents

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, 1950, to call for the records and set aside the fair and decreetal order dated 20.07.2023 made in I.A. No. 3 of 2023 in O.S. No. 21 of 2021 on the file of the learned District Munsif, Kadaladi, Ramanathapuram District.



C.R.P. (MD) No. 3127 of 2023

For Petitioner : Mr. C.Senthil Murugan
For R1 : Mr.T.Gopalakrishnan
For R2 : Dispensed
For R3 : Ms. D. Farjana Ghoushia
Special Government Pleader
For R4 : No Appearance

ORDER

This Civil Revision Petition arises out of the order dated 20.07.2023 in I.A. No. 3 of 2023 in O.S. No. 21 of 2021 on the file of the District Munsif Court, Kadaladi (hereinafter referred to as 'Trial Court' for short). The parties are hereinafter referred to as their description in the suit in O.S. No. 21 of 2021 before the Trial Court for the sake of clarity and convenience.

2. The Fourth to Eighth Defendants in the aforesaid suit had filed the application in I.A. No. 3 of 2023 to reject the plaint in that suit which has been dismissed by the impugned order. It is borne out from the materials placed on record that the Fourth to Eighth Defendants are *lis pendus* purchasers of the property through the First Defendant, who are bound by the result of the suit in terms of Section 52 of the Transfer of Property Act, 1882. It has not been demonstrated by the Fourth to Eighth Defendants that their case for rejection of the plaint in the suit falls within the ambit of Rule 11 of Order VII of the Code of Civil Procedure, 1908. In such circumstances, this Court does not find any



C.R.P. (MD) No. 3127 of 2023

infirmity to interfere with the impugned order passed by the Trial Court in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

3. In view of the same, Learned Counsel for the Fourth to Eighth Defendants seeks permission of the Court to withdraw the Civil Revision Petition reserving the rights of the Fourth to Eighth Defendants to raise all contentions on the merits of the controversy involved in the suit in O.S. No. 21 of 2021 uninhibited and uninfluenced by the impugned order and he has made an endorsement to that effect in the court record.

In the result, the Civil Revision Petition is dismissed as withdrawn with the aforesaid clarifications. Consequently, the connected Miscellaneous Petition is closed. No costs.

03.04.2024

Index : Yes/No
Internet : Yes/No
pal/ta

Note: Issue order copy by 17.04.2024.



C.R.P. (MD) No. 3127 of 2023

Copy to

1. The District Munsif Court,
Kadaladi,
Ramanathapuram District
2. The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P. (MD) No. 3127 of 2023

P.D. AUDIKESAVALU, J.

ta

C.R.P. (MD) No. 3127 of 2023

03.04.2024