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C.R.P.No.4263 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2025

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THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

C.R.P.No.4263 of 2025
and C.M.P.No.21895 of 2025

R.Kandhasamy

...Petitioner

Vs.

K.S.Govindaraj

...Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the Fair and Decretal order dated 12.06.2025 in I.A.No.5 of 2025 in O.S.No.198 of 2017, on the file of District Munsif Court, Dharapuram.

For Petitioner : Mr.K.V.Muthu Visakan

ORDER

The unsuccessful first defendant has preferred this revision petition.



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2.The brief facts of the case:

(i)The suit in O.S.No.198 of 2017 is filed for permanent injunction not to evict the plaintiff/Govindaraj except under due process of law. During the trial, the first defendant has filed an application under Section 151 C.P.C., in I.A.No.5 of 2025 in O.S.No.198 of 2017 seeking permission to deposit a sum of Rs.1,85,000/- as the lease amount mentioned in the lease deed dated 22.06.2011.

(ii)Upon hearing on either side, the Court below dismissed the application on the ground that the relief sought for in the plaint is only for permanent injunction not to evict the plaintiff except under due process of law and there is no necessity to grant permission to deposit the lease amount in the Court as claimed by the first defendant in the suit.

3.Aggrieved over the same, the first defendant has instituted the present revision petition.

4.Learned counsel appearing for the revision petitioner submits that the plaintiff took possession of the property belongs to the revision



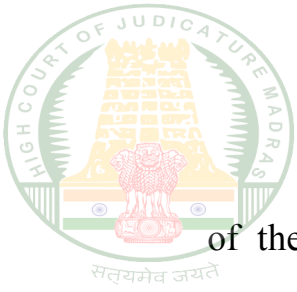
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petitioner on 22.06.2011 under the lease deed whereby he agreed to pay the lease amount of Rs.1,85,000/- and return the possession upon expiry of the lease period, i.e. on 22.08.2013. It is also further agreed by the plaintiff that he would receive the said amount without any claim for interest. In order to establish the bonafides of the revision petitioner/first defendant, he sought permission to deposit the lease amount of Rs.1,85,000/- into the Court and to take back possession of the lease land. However, the Court below failed to appreciate the nature of transaction and even before the conclusion of the trial, prematurely held that the lease amount was Rs.2,10,000/- and that there was no necessity to deposit the lease amount into the Court.

5.Learned counsel further submits that an application came to be filed only to avoid multiplicity of proceedings and to resolve the matter within the pending suit itself.

6.On perusal of records, it is seen that the suit in O.S.No.198 of 2017 filed for permanent injunction not to evict the plaintiff except under due process of law. It is also seen from the written statement filed by the defendants, wherein it has been stated that the plaintiff took possession



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of the properties belongs to the revision petitioner/first defendant on 22.06.2011 under a lease deed whereby the plaintiff agreed to pay the lease amount of Rs.1,85,000/- and to handover the possession of land upon expiry of the lease period i.e., on 22.08.2013. It was also stated that the plaintiff would receive the said amount without any claim for interest.

7.In the written statement, there is no counter claim with regard to the lease deed entered between the parties dated 22.06.2011. Only in order to show the bonafides of the revision petitioner/first defendant has made an attempt to seek permission to deposit the said lease amount into the Court.

8.In view of the above, there is no reason warrants to interfere with the order passed by the Court below and accordingly, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

10.09.2025

Index : Yes/ No
Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
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To

The District Munsif Court,
Dharapuram.



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M.JOTHIRAMAN, J.

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