



C.R..P.(PD)(MD).No.604 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)No.604 of 2025

and

C.M.P(MD) No.3295 of 2025

Ravichandran

... Petitioner/Petitioner
4th Defendant

Vs.

Sherfuddin,
S/o. K.Shamsudeen,
Erakudi Village, Thuraiyur Taluk,
Trichy District, now working at Dubai
Represented through his
General Power of Attorney,
Kattubava (M/72/2025)
S/o.Kadar Batcha,
Verraganur Village, Kengavalli Taluk,
Salem District.

... Respondent/
Respondent/Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records pertaining to the fair order and decreetal order dated 25.10.2024 in I.A.No.6 of 2024 in O.S.No.29 of 2020, on the file of the Sub Court, Thuraiyur and to set aside the same.

For Petitioner : Mr.R.Gowrishankar



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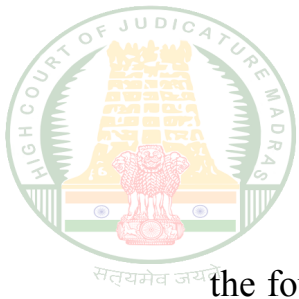
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ORDER

The 4th defendant in O.S.No.29 of 2020, on the file of the Sub Court, Thuraiyur, has filed the present Civil Revision Petition challenging the dismissal of his application filed under Order 7 Rule11 of C.P.C.

2. A perusal of the records reveal that the present suit has been filed for the relief of recovery of a sum of Rs.1,00,000/- (Rupees One Lakh only) towards the value of the Mango Trees that were alleged to have been removed by the fourth defendant. The plaintiff has further prayed that the fourth defendant should not put up any construction pending suit in O.S.No.219 of 2005.

3. The plaintiff has filed I.A.No.6 of 2024, to reject the plaint primarily on the ground that even as per the documents produced by the plaintiff there are no Mango Trees in the suit schedule property. That apart, as far as O.S.No. 219 of 2005 is concerned, the said suit has already been disposed of and the application filed by the father of the plaintiff to restore the suit is pending in the appellate stage. Therefore, according to the learned counsel appearing for



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the fourth defendant, the suit has to be rejected on the ground that there is no cause of action for the plaintiff to file the present suit.

4. A perusal of the impugned order reveals that the trial Court has arrived at a finding that ingredients of Order 7 Rule 11 of C.P.C are not made out in the said application and the grounds raised by the revision petitioner have to be decided only during the trial.

5. This Court, after hearing the submissions made on the side of the petitioner and perusing the records, finds that the factual disputes have been raised by the 4th defendant and the same have to be adjudicated upon by the trial Court.

6. Considering the fact that the suit is of the year 2020, this Court is inclined to direct the trial Court to dispose the suit in O.S.No.29 of 2020 on or before **31.08.2025**.



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7. With the above said observation, this Civil Revision Petition stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

12.03.2025

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

1. The Sub Court,
Thuraiyur.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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