



C.R.P.(MD)No.488 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[PD].(MD)No.488 of 2022

and

C.M.P.(MD)No.2157 of 2022

Kamaraj

... Petitioner

Vs.

1.Kumarasamy

2.S.A.Hibdul Kareem

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order 07.12.2021 passed in I.A.No.479 of 2021 in O.S.No.84 of 2019 on the file of the District Munsif Court, Sathankulam.

For Petitioner : Mr.M.P.Senthil

For R2 : No appearance



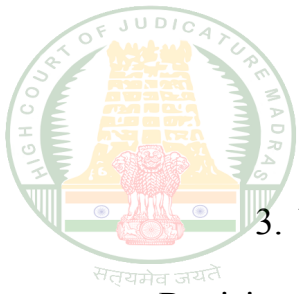
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ORDER

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This petition has been filed seeking to set aside the fair and decreetal order 07.12.2021 passed in I.A.No.479 of 2021 in O.S.No.84 of 2019 on the file of the District Munsif Court, Sathankulam.

2. The learned counsel for the petitioner would submit that the first respondent filed a suit in O.S.No.84 of 2019 before the District Munsif Court, Sathankulam seeking for a decree directing the petitioner as well as the second respondent herein jointly to register an unregistered sale deed, dated 01.03.2017 alleged to have been executed in his favour. In addition, he also sought for declaration that the sale deed dated 28.12.2017 stands in favour of the petitioner does not bind his interest over the suit schedule property. Pending the above suit, the petitioner filed a petition in I.A.No.479 of 2021 in O.S.No.84 of 2019 on the file of the District Munsif Court, Sathankulam under Order 7, Rule 11 of C.P.C., for rejection of plaint. The said petition was dismissed by the trial Court on the ground that maintainability of the suit has to be adjudicated in the course of trial. Challenging the said dismissal, the petitioner has filed the present Civil Revision Petition.



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3. Without expressing any opinion on merits of the petition, this Civil Revision Petition is disposed of permitting the petitioner to raise all the grounds before the trial Court at the time of trial. Liberty is granted to the petitioner to file a petition before the trial Court to implead the legal heirs of the first respondent. No costs. Consequently, connected miscellaneous petition is closed.

11.07.2025

Internet:Yes/No

Index:Yes/No

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To

- 1.The District Munsif Court,
Sathankulam.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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