



C.R.P.(PD)(MD).No.1689 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD).No.1689 of 2024
and CMP(MD).No.9867 of 2024

A.Anbugnanam

.... Petitioner/Petitioner/Defendant

-VS-

Nallur Sekaram
Represented by its
President
Mr.B.E.Wilson

....Respondent/Respondent/Plaintiff

PRAYER: The Civil Revision Petition has been filed under Article 227 of Constitution of India, to set aside the fair and decreetal order 03.02.2023 passed in I.A.No.1 of 2022 in O.S.No.113 of 2022 on the file of the Distrit Munsif Court, Alangulam and allow this civil revision petition.

For Petitioner : Mr.A.Sankararamasubramanian

ORDER

The defendant in O.S.No.113 of 2022 on the file of the District Munsif Court, Alangulam has filed the present civil revision petition



C.R.P.(PD)(MD).No.1689 of 2024

WEB COPY
C.P.C

challenging the dismissal of application filed under Order 7 Rule 11 of

2.A perusal of the record reveals that the respondent herein as plaintiff has filed the above said suit for the relief of recovery of possession and recovery of rental arrears and damages.

3.As per plaint averments, the defendant is the tenant of the property and he had not paid the rent and therefore, the suit for recovery of possession has been filed.

4.Pending suit, the defendant has filed I.A.No.1 of 2022 to reject the plaint primarily on the ground that previously the defendant had filed O.S.No.463 of 2014 on the file of the District Munsif Court, Tenkasi for the relief of permanent injunction as against the present plaintiff and the suit was decreed on 15.02.2016. Suppressing the same, the present suit for recovery of possession has been filed. This application came to be dismissed by the trial Court on the ground that the defendant has not enclosed the judgment and decree passed in O.S.No.463 of 2014. Challenging the same, the present civil revision petition has been filed.

5.According to the learned counsel for the revision petitioner, when there is suppression of the material fact, the suit should be



C.R.P.(PD)(MD).No.1689 of 2024

dismissed. The plaintiff has relied upon a judgment of this Court reported in **2020 (3) MWN (Civil) 535 (U.Chitra Vs. K.N.Bhaskar)** in support of his contention.

6.Heard the learned counsel appearing for the revision petitioner.

7.The defendant in the suit has filed an application for rejection of plaint primarily on the ground that the plaintiff having suffered a decree in O.S.No.463 of 2014, has filed the present suit suppressing the said fact. Even assuming that he has suppressed the decree for permanent injunction, that would not be a bar for the plaintiff to seek recovery of possession. The defendant has not chosen to file the judgment and decree in O.S.No.463 of 2014 either before the trial Court or before this Court. The judgement cited by the learned counsel for the petitioner is not applicable to the facts and circumstances of the present case.

8.As far as the plea of non-joinder of Tirunelveli Diocese is concerned, the same can be raised by the defendant in his written statement.

9.In view of the above said facts, the trial Court has rightly rejected the application filed under Order 7 Rule 11 of C.P.C. with liberty to the petitioner to raise all the issue during trial.



C.R.P.(PD)(MD).No.1689 of 2024

WEB COPY

10. With the above said observations, this civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

19.03.2025

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
msa

To

1. The District Magistrate Court,
Alangulam

2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P.(PD)(MD).No.1689 of 2024

R.VIJAYAKUMAR, J

msa

C.R.P.(PD)(MD).No.1689 of 2024
and CMP(MD).No.9867 of 2024

19.03.2025