



C.R.P.(MD) No.630 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

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THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

C.R.P.(MD) No.630 of 2023

and

C.M.P.(MD) No.2926 of 2023

G.Subramanian

... Petitioner

Vs.

1.R.Sangaiah

2.R.Sundarraaj

3.Dhanalakshmi

4.Sankara Avudaiammal

5.G.Preethi

6.The Sub Registrar,
Sub Registrar Office,
Karrivalamvanthanallur,
Tenkasi District.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the entire records pertaining to the plaint in original suit filed by the first respondent in O.S.No.257 of 2022 on the file of the Sub Court, Sankarankovil, Tenkasi District and struck off the same.



C.R.P.(MD) No.630 of 2023

For Petitioner : M/s.S.Chamundi Bose

For R1 : Mr.R.J.Karthick

For R2 : Mr.S.Ramasamy

ORDER

This Civil Revision Petition has been filed to call for the entire records pertaining to the plaint in original suit filed by the first respondent in O.S.No.257 of 2022 on the file of the Sub Court, Sankarankovil, Tenkasi District and struck off the same.

2. The petitioner is the fourth defendant in O.S.No.257 of 2022 on the file of the Sub Court, Sankarankovil, Tenkasi District. The specific case of the petitioner is that the second respondent herein had earlier filed O.S.No.297 of 2007 before the District Munsif Court, Sankarankovil against the petitioner's father Gurunathan for partition of suit schedule properties and that the said suit came to be decreed in favour of the petitioner's father Gurunathan. The second respondent has filed appeal in A.S.No.29 of 2019 before the Sub Court, Sankarankovil which is pending till now.



C.R.P.(MD) No.630 of 2023

3. However, the first respondent who is the brother of the petitioner's father Gurunathan has filed a suit in O.S.No.257 of 2022 for the same relief prayed in O.S.No.297 of 2007. It is specific case of the petitioner is that the first respondent who is the plaintiff in O.S.No.257 of 2022 was also the second defendant in O.S.No.297 of 2007 filed by the second respondent against the petitioner's father and others.

4. In O.S.No.257 of 2022 pending on the file of the Sub Court, Sankarankovil, Tenkasi District, at behest of the petitioner's father, the petitioner, his mother and sister have now been impleaded. The statement of the petitioner that the reliefs claimed in both suits are identical and the matter is now subjudice in view of the decree passed in O.S.No.297 of 2007 appear to be a well considered ground. Therefore, it is open for the petitioner to move appropriate application under Order 7 Rule 11 of Code of Civil Procedure, 1908, to reject the plaint. The petitioner may therefore file such application, within a period of two weeks from the date of receipt of a copy of this order.

5. If such application is filed by the petitioner within the time stipulated above, the Sub Court, Sankarankovil, Tenkasi District shall



C.R.P.(MD) No.630 of 2023

dispose of the same, as expeditiously as possible, preferably, within a period of 3 months thereafter.

6. Meanwhile, the respondents who are the plaintiff and the other defendants in O.S.No.257 of 2022 shall co-operate with the court proceedings if the petitioner files such application within such time. Status-quo as on date shall be maintained for a period of three months provided such application is filed within 2 weeks from the date of receipt of a copy of this order.

7. This Civil Revision Petition stands disposed of. No cost. Consequently, connected Miscellaneous Petition is closed.

19.06.2023

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

The Sub Court, Sankarankovil,
Tenkasi District.



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C.R.P.(MD) No.630 of 2023

C.SARAVANAN, J.

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