



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

C.R.P. (PD) (MD) No.976 of 2015  
and M.P.(MD) No.1 of 2015

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1.S.Mohammed Ibrahim  
2.S.Mohammed Hanifa

...Petitioners / Petitioners / Plaintiffs

-vs-

1.Ramasubbu Naicker  
2.Ganapathy Ammal  
3.Tahsildar  
Tirunelveli Taluk Office  
Swami Nellaiappar High Road  
Tirunelveli-1

4.The Government of Tamil Nadu  
through Tirunelveli District Collector  
Kokkirakulam, Tirunelveli-9 ..Respondents/Respondents/Defendants

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, against the fair and decreetal order, dated 23.12.2014, passed in I.A.No.313 of 2014 in O.S.No.470 of 2009, on the file of the 1<sup>st</sup> Additional District Munsif Court, Tirunelveli.

For Petitioners : Mr.M.P.Senthil

#### O R D E R

The petitioners filed a suit in O.S.No.470 of 2009, before the learned I Additional District Munsif, Tirunelveli. The suit was contested by the respondents by filing written statement. The Trial Court recorded evidence on the side of petitioners and respondents. Thereafter, the petitioners filed an interlocutory application in I.A.No.313 of 2014, under Order XXIII Rule 1 (3) of the Code of Civil Procedure to withdraw the suit. The Trial Judge dismissed the interlocutory application. The order, dated 23 December, 2014 is under challenge in this civil revision petition.

2. The petitioners miserably failed to prove that the suit would fail on account of a technical defect within the meaning of Order XXIII Rule 1(3) of the Code of Civil Procedure. The learned Trial Judge considered the issue and rejected the application. I do not find any error or illegality in the order passed by the learned Trial Judge. The order does not warrant interference by exercising revisional jurisdiction under Article 227 of the Constitution of India.

3. In the upshot, I dismiss the civil revision petition. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)



To:  
The 1<sup>st</sup> Additional District Munsif,  
1<sup>st</sup> Additional District Munsif Court,  
Tirunelveli.

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+1cc to Mr.M.P.Senthil, Advocate in SR.No.26721

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krk

PBK/PPS 17/06/2015 ::2P-3C::