



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2017

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE J.NISHA BANU

C.R.P. (MD) .No.81 of 2014

and

M.P. (MD) .No.1 of 2014

1. K.Rajaian

2. S.Ramesh

... Petitioners

Vs.

A.Chellam Nadar (Died)

2. Ammal

3. C.Rajendran

4. C.Panki Raj

5. C.Thankaraj

(Respondents 2 to 5 brought as LR's of deceased sole respondent as per the order of Court dated 23.09.2015 made in M.P. (MD) .No.2 and 3 in C.R.P. (MD) .No.81 of 2014 by PDSJ.

... Respondents

PRAYER: The Civil Revision Petition is filed against the fair and decreetal order dated 10.08.2013 made in I.A.No.253 of 2012 in O.S.No.213 of 2011 on the file of the Principal District Munsif cum Judicial Magistrate Court, Eraniel.

For Petitioners : Mr.S.C.Herold Singh

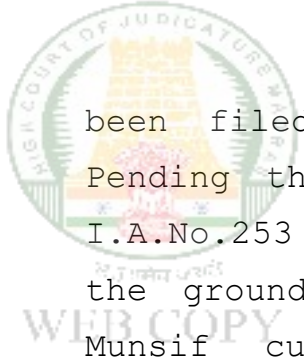
For R1 : Died

For R2 to R5 : Mr.P.Thiagarajan

O R D E R

The Civil Revision Petition has been filed against the fair and decreetal order dated 10.08.2013 in I.A.No.253 of 2012 in O.S.No.213 of 2011 on the file of the Principal District Munsif cum Judicial Magistrate Court, Eraniel.

2. The first respondent is the plaintiff and the petitioners are the defendants in the suit in O.S.No.213 of 2011. The suit has



been filed for declaration of title and mandatory injunction. Pending the suit, the petitioners have filed an application in I.A.No.253 of 2012 under Section 10 and Section 11 of C.P.C., on the ground of *res judicata*. But the learned Principal District Munsif cum Judicial Magistrate, Eraniel has dismissed the application stating that the petitioners have not produced any documents for establishing the *res judicata*.

3. Heard the learned counsel for the petitioners as well as the learned counsel for the respondents 2 to 5.

4. On perusal of the order dated 10.08.2013 in I.A.No.253 of 2012, it is clear that the petitioners have not produced any documents for establishing the *res judicata* and on that ground, the learned Principal District Munsif cum Judicial Magistrate, Eraniel has dismissed the petition. More over, the learned counsel for the petitioners is not able to establish the plea of *res judicata* before this Court by producing relevant documents. Hence, I do not find any infirmity in the order passed by the trial Court. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CRL. SIDE)

/True Copy/

Sub Assistant Registrar

To

The Principal District Munsif cum
Judicial Magistrate Court,
Eraniel.

AKV

JS/MR.KKR/SAR.3/05.12.2017/2P-2C

C.R.P. (MD) .No.81 of 2014

02.11.2017