

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2018

CORAM

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(NPD)No.741 of 2008

K.Kamalambal

... Petitioner

V.

1. A.Ravi
2. P.Munusamy
3. R.Srinivasan (Died)
4. R.Natarajan

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the order and decretal order dated 17.10.2006 passed in O.S.No.3127 of 2000, on the file of I Assistant Judge, City Civil Court at Chennai.

For Petitioner : Mr.P.B.Balaji

For Respondent : R1 - No appearance

R2 - Dismissed vide order dated 17.07.2018

R3 & R4 - Given up

ORDER

Challenging the order passed in O.S.No.3127 of 2000, on the file of the I Assistant Judge, City Civil Court, Chennai, the 3rd defendant has filed the above Civil Revision Petition.

2. The respondents-plaintiffs filed the suit in O.S.No.3127 of 2000 for bare injunction. Subsequently, the counsel for the plaintiffs made an endorsement in the bundle on 17.10.2006 for withdrawing the suit with liberty to file a fresh suit.

3. The Trial Court, took up the matter on the same day and recorded that there was no representation on behalf of the plaintiffs, however, the Trial Court dismissed suit as withdrawn with liberty to file a fresh suit.

4. Challenging the judgment and decree passed in O.S.No.3127 of 2000, the 3rd defendant has filed the above Civil Revision Petition.

5. Mr.P.B.Balaji, learned counsel appearing for the petitioner submitted that though the suit was dismissed as withdrawn as early as on 17.10.2006, to the knowledge of the 3rd defendant, the plaintiffs

have not filed any suit so far.

6. In these circumstances, I do not find any reason to interfere with the judgment and decree passed in O.S.No.3127 of 2000. However, in the case of the defendants filing any separate suit as per the judgment and decree passed in O.S.No.3127 of 2000, liberty is given to the 3rd defendant to raise all the defences available to her in the suit.

With these observations, the Civil Revision Petition is dismissed.
No costs.

13.11.2018

Index : Yes/No

Speaking Order/Non Speaking Order

Rj

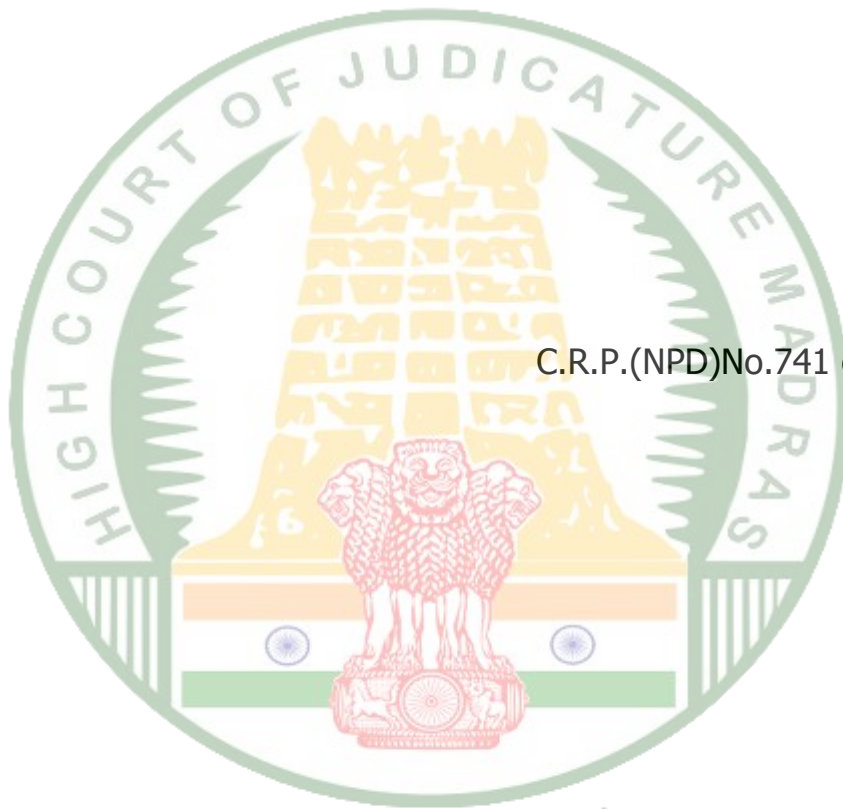
To

The I Assistant Judge
City Civil Court
Chennai.

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M. DURAISWAMY,J.,

Rj



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13.11.2018

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