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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (MD) .No.728 of 2018(PD) and

C.M.P. (MD) No.3171 of 2018

K.J.Palraj

... Petitioner/1st Defendant

Vs.

1. P.Rajaguru
2. Amirthavalli
3. P.Thirumalai

... Respondents 1 to 3/Plaintiffs

4. P.Thirumeni Balaguru
5. P.Arulappa Selvaraj
6. P.Senthamizhselvi

... Respondents 4 to 6/
Defendants 2 to 4

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike off the O.S.No.64 of 2016 pending on the file of the Sub Court, Periyakulam.

For Petitioner	: Mr.M.A.M.Raja
For R-1 to R-3	: Mr.R.Shankar Ganesh
For R-4 to R-6	: Thirumalai Venkatesan

O R D E R

O.S.No.64 of 2016 has been filed by respondents 1 to 3 herein before the Sub Court, Periyakulam, seeking the relief of partition and separate possession.

2. To strike off the said suit, the first defendant who is the father of the plaintiffs has filed this Civil Revision petition.

3. This Court is of the view that the Revision petitioner can as well avail the remedy set out under Order 7 Rule 11 of C.P.C. The Revision petitioner is given a week time to file such an application before the Court below. The plaintiffs shall file their counter in response thereto within one week thereafter. The Court below shall conduct enquiry on such application filed under Order 7 Rule 11 of C.P.C., and dispose of the same in accordance with law and on merits within a period of two weeks thereafter.



4. For the next four weeks, Status Quo as on date shall prevail. Giving such liberty to the Revision petitioner and with these directions, the Civil Revision petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

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/True Copy/

Sd/-

Assistant Registrar (RTI)

Sub Assistant Registrar (CS-I)

To

1. The Subordinate Judge,
Periyakulam.
2. The Record Keeper,
V.R. Section, (2 Copies)
Madurai Bench of Madras High Court,
Madurai.

PMU

DS/SKN/RSK/SAR-1 :16.08.2018: 2P/4C

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