



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2018

CORAM

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THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

C.R.P. (MD) No.446 of 2015

M.P.(MD) No.1 of 2015

1.S.V.Ramachandran @ Ramu Asari

2.R.Sangaiah

3.R.Sivaraman

4.R.Murugesan

5.R.Selvam

: Petitioners/Defendants

Versus

1.R.Murugesan Asari

2.N.Murugesan Asari

3.S.Mohan Asari

4.Sangaiah Asari

5.V.Kumar Poosari

: Respondents/Plaintiffs

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to Strike Off Plaint in O.S.No.30 of 2015 on the file of the District Munsif Court, Aruppukkottai.

For Revision Petitioners

: Mr.A.Saravanan

O R D E R

Learned counsel for the petitioner submits that the Civil Revision Petition has been filed on the ground that the earlier suit between the same parties have been settled and there cannot be any re-litigation by another suit. However, without filing any application for striking off the suit on that ground before the concerned Court, this Civil Revision Petition has been filed straightaway in this Court, which cannot be entertained. In these circumstances, the learned counsel for the petitioners seeks leave to withdraw this Civil Revision Petition with liberty to file an appropriate application before the Trial Court in this regard.

2.Accordingly, this Civil Revision Petition is dismissed as withdrawn. If any such application as mentioned earlier is filed by the petitioner before the Trial Court, the same shall be decided on merits and in accordance with law uninhibited and



uninfluenced by the dismissal of this Civil Revision Petition. No costs. Consequently, connected Miscellaneous Petition also stands dismissed.

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Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-II)

To

The District Munsif,
Aruppukkottai.

+ 1 CC TO Mr.A.SARAVANAN, ADVOCATE IN SR No. 94647

SJ
TE/SV/SAR-2 : 22/11/2018 : 2P/3C

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