



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2018

CORAM

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) No.1138 of 2016

1.Rajendran
2.Malaichamy
3.Veerabathiran
Sundaramoorthy (Died)
4.Theertharakku
5.Veeralakshmi
6.Chockalingam

.. Petitioners/Petitioners 1 to 3, 5 to 7/
Defendants 1 to 3, 5 to 7

Vs.

Ariyanachi

.. Respondent/Respondent/Plaintiff

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order, dated 01.04.2016 made in I.A.No.442 of 2015 in O.S.No.147 of 2009 on the file of the District Munsif -cum-Judicial Magistrate, Vadipatti.

For Petitioners : Mr.PT.S.Narenderavasan

For Respondent : No Appearance

ORDER

The defendants in O.S.No.147 of 2009 on the file of the District Munsif-cum-Judicial Magistrate Court, Vadipatti, are the revision petitioners herein. They filed I.A.No.442 of 2015 under Order 14(1) Rule 5 of CPC in order to decide the issue of Res-Judicata, raised by them as a preliminary issue. The court below by order dated 01.04.2016 dismissed the said application. Questioning the correctness of the same, this Civil Revision Petition has been filed.

2.Heard the counsel appearing for the revision petitioner who reiterated the contentions set out in the memorandum of grounds.

<https://hcservices.ecourts.gov.in/hcservices/>
3.I am of the view that issue of Res-judicata raises a mixed question of fact and law. It can be taken up only in the main suit. The order impugned is affirmed. It is seen that the suit is of the



year 2009 the same is directed to be disposed of within a period of two months from the date of receipt of a copy of this order. Accordingly, this civil revision petition is dismissed. No costs.

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Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1.The District Munsif-cum-Judicial Magistrate,
Vadipatti.

2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.PT.S.NARENDRAVASAN, ADVOCATE IN SR No. 81496

TM

TE/SKN/SAR-2 : 28/09/2018 : 2P/5C

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