



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) Nos.1711 of 2016

and

C.M.P. (MD) No.8319 of 2016

Gangatharan

... Petitioner

Vs.

Edwin Selva Kumar

... Respondent

PRAYER: Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 31.03.2016 in I.A.No.101 of 2015 in O.S.No.114 of 2014 on the file of the District Judge, Kanyakumari at Nagercoil and allow this Civil Revision petition.

For petitioner : Mr.N.S.Ramakrishna Dass

ORDER

The 7th defendant in O.S.No.114 of 2014 is the revision petitioner herein. The suit is one for partition. The case of the revision petitioner is that the plaintiff had earlier filed a suit and that the same was settled out of Court. It is a clear case of re-litigation. Therefore the revision petitioner filed I.A.No.101 of 2015 for rejection of the plaint. The Court below took the view that the issue raised by the revision petitioner can be decided in the main suit and dismissed the I.A., filed by the revision petitioner. Questioning the same this Civil Revision Petition has been filed.

2.I am of the view that the Court below has assigned convincing reasons for dismissing the I.A. Hence, the order of the Court below does not warrant any interference.

<https://hcservices.ecourt.gov.in/hcservices/> The suit is of the year 2014. The learned District Judge, Nagercoil, is directed to dispose of O.S.No.114 of 2014 within a period of four months from the date of receipt of a copy of this



order. All the contentions available to the revision petitioner are left open.

4. Accordingly, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(Rti)

/True Copy/

Sub Assistant Registrar(CS-I)

To:

The District Judge, Kanyakumari at Nagercoil.

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The Record Keeper,

VR Section,

Madurai Bench of Madras High Court, Madurai. 2 copies

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ORDER MADE IN
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and
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