



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2018

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) .No.2094 of 2016

and

C.M.P. (MD) No.9779 of 2016

Maria Pushpam

... Petitioner

Vs .

1.Sasi
2.Thankappan
3.Sasi Nadar
4.Rajan
5.Rajendran

... Respondent

PRAYER: Petition filed under Article 227 of Constitution of India, to set aside the order and decreetal order passed in I.A.No.727 of 2015 in O.S.No.460 of 2013 dated 29.04.2016 on the file of the I Additional District Munsif, Kuzhithruai and allow the above Civil Revision Petition.

For petitioner	: Mr.K.Sreekumaran Nair
For respondent	: Mr.J.Anandhavalli

ORDER

The plaintiff in O.S.No.460 of 2013 on the file of the learned I Additional District Munsif, Kulithurai is the revision petitioner. The revision petitioner wanted to amend the plaint and he filed I.A.No.727 of 2015 for the same. The Court below by order dated 29.04.2016 dismissed the said I.A. The said I.A., was filed at the pre trial stage. Questioning the same, this Civil Revision Petition has been filed.

2.When the matter was taken up for hearing, the learned counsel for the revision petitioner submitted that the suit suffers from some formal defects. He may be given liberty to file a fresh one in the same cause of action. No exception can be taken to this request.



3.The revision petitioner is therefore, permitted to file an application under Order 23 Rule 1 of CPC for withdrawal of the suit with liberty to file a fresh one on the same cause of action. The revision petitioner is given time to file such an application within a period of four weeks from the date of receipt of a copy of this order. Upon such application being filed, the Court below shall allow the same as prayed for. Therefore, nothing survives for further adjudication in this Civil Revision Petition.

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

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-I)

To:

1. The I Additional District Munsif, Kulithurai.

2. The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.K.SREE KUMARAN NAIR, ADVOCATE IN SR No. 82641

+ 1 CC TO Mrs.J.ANANTHAVALLI, ADVOCATE IN SR No. 82780

PNN

TE/SKN/SAR-1 : 03/10/2018 : 2P/6C

ORDER MADE IN
C.R.P. (PD) (MD) .No.2094 of 2016 and
C.M.P. (MD) No.9779 of 2016
06.09.2018