



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2018

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN
C.R.P. (MD) No. 619 of 2016
and
C.M.P. (MD) .No. 2827 of 2016

Haji Mohamed

.. Petitioner / Petitioner
Plaintiff

vs.

1. Munisamyraj
2. Rengaraj
Manoharan @ Poth Manohar (died)
3. Anand
4. Baskaran
Balasubramanian (died)
5. Kumar
6. Kannan
7. Jalachandra Mariyamman Kovil,
rep. by its Hereditary Trustee Chandra.

8. Ravi
9. Muthulakshmi
10. Srinivasa Raja
11. Shobha

.. Respondents / Respondents/
Defendants

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 20.07.2015 made in I.A.No.552 of 2014 in O.S.No.245 of 2009 on the file of the Principal District Munsif Court, Kumbakonam.

For Petitioner	: Mr.T.V.Sivakumar
For Respondent No.3 & 8	: Mr. S.Rajaprabu
For Respondents 4 and 5	: No appearance
For Respondents 1,2,6,7,9,10 &11	: dismissed

ORDER

The plaintiff in O.S.No.245 of 2009 on the file of the learned Principal District Munsif, Kumbakonam is the revision petitioner herein. The said suit was apparently filed under Section 6 of the Specific Relief Act, 1963 for directing the contesting defendants in the suit to put the plaintiff back in possession. In the said suit I.A.No.552 of 2014 was filed for withdrawing the suit with liberty to file a fresh one on the same



cause of action. The Court below by order dated 20.07.2015 dismissed the said IA. Questioning the same this Civil Revision Petition has been filed.

2. Heard the learned counsel on either side.

3. The Court below has observed that the question of permitting the plaintiff to withdraw the suit and granting liberty to file a fresh one on the same cause of action would arise only if the suit suffers from a formal defect. In this case, the plaintiff has clearly not shown the existence of such a formal defect. Therefore, the Court below was right in dismissing the IA.

5. Concurring with the reasons assigned by the Court below and finding no merit in this Petition, this Civil Revision Petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-

Assistant Registrar (T & P)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

1. The Principal District Munsif,
Kumbakonam.

+1 CC To MR.S.RAJAPRABU, Advocate SR. NO.82357

+1 CC To MR.H.LAKSHMI SHANKAR, Advocate SR. NO. 82220

C.R.P. (MD) No. 619 of 2016
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PJL

TR/PM/SAR-IV(27.10.2018)2P 4C