



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (MD)No.790 of 2016 (PD)

WEB COPY

G.Raj

... Petitioner/Plaintiff

Vs.

1.V.Duarimony

2.The Kallukootam Town Panchayat,
Rep.by its Executive Officer,
Kallukootam & Post,
Kallukootam Village,
Kalkulam Taluk,
Kanyakumari District.

... Respondents/Defendants

Prayer : This Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records and set aside the orders dated 17.03.2016 and 19.03.2016 in O.S SR No.455 of 2016 on the file of the Court of Principal District Munsif cum Judicial Magistrate at Eraniel, and direct the lower court to take the suit on file and proceed with the suit.

For Petitioner : Mr.J.John Jayakumar

For Respondents : Mr.G.Muthukannan for R2

ORDER

The revision petitioner filed a plaint bearing O.S.S.R No.455 of 2016 on the file of the Principal District Munsif cum Judicial Magistrate at Eraniel. It was a suit for declaration that the notice issued by the second respondent panchayat is null and void. The said plaint was not numbered and the court below returned the same on the ground that the petitioner had filed OS No.24 of 2016 before the very same court against the very same parties and that the said suit is still pending.

2.This Court is of the view that when the cause of action is different and the prayer sought for is different, the plaint can be numbered if it is otherwise in order. Therefore, the court below is directed to number the suit and take it on file and dispose of the same in accordance with law, if the plaint is otherwise in order. This Civil Revision Petition is allowed. No costs.



3. Registry is directed to return the original plaint to the revision petitioner for re-presentation before the court below.

Sd/-
Assistant Registrar(T&P)

/True Copy/

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Sub Assistant Registrar(CS-III)

To

1.The Principal District Munsif cum
Judicial Magistrate at Eraniel.

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

+1CC to Mr.J.John Jayakumar, Advocate, SR.No.78969

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SKM
ES/SV/SAR 3/17.09.2018/2P/5C