



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P (MD) (PD) .No.2058 of 2018

and

C.M.P (MD) .No.9122 of 2018

B.Pandia Raja

... Petitioner

vs.

R.Subramanian

... Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside order dated 03.07.2018 passed in I.A.No.449 of 2015 in A.S.No.99 of 2013 by the Sub Court, Sivagangai and allow this civil revision petition.

For Petitioner : Mr.P.Paranthaman

For Respondent : Mr.S.P.Maharajan

O R D E R

The revision petitioner herein filed O.S.No.278 of 2010 before the District Munsif Court, Sivagangai seeking the relief of declaration and permanent injunction. The suit was dismissed on 27.03.2013. Questioning the same, the revision petitioner filed A.S.No.99 of 2013 before the Subordinate Court, Sivagangai. The petitioner now wants to withdraw the suit itself with liberty to file a fresh suit with the same cause of action. The First Appellate Court, by the order impugned in this Civil Revision Petition, dismissed the same. Questioning the said order, this Civil Revision Petition has been filed.

2.Heard the learned counsel on either side.

3.The petitioner wants to withdraw the suit itself with liberty to file a fresh one on the same cause of action. Therefore, he must establish that the suit filed by him suffered from a formal defect, which has not been established. Therefore, the Court below was justified in dismissing I.A.No.449 of 2018.

<https://hcservices.ecourts.gov.in/hcservices/>

4.In this view of the matter, the order impugned in this Civil Revision Petition is sustained. There is no merit in the Civil



Revision Petition. Hence, this Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

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Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

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

+ 1 CC TO Mr.S.P.MAHARAJAN, ADVOCATE IN SR No. 90031

RMK

TE/SV/SAR-4 : 04/12/2018 : 2P/5C

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