

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P(PD).No.1678 of 2018

&

C.M.P.No.9254 of 2018

V.Chandran

...Petitioner

Vs

1.Radhabai

2.Chandir

3.Adilakshmi

... Respondents

Prayer:Civil Revision Petition is filed under Article 227 of the Constitution of India against the decree and Judgement dated 13.02.2018 in I.A.No.1976 of 2017 in O.S.No.562 of 2014 on the file of the District Munsif Court, Maduranthagam.

For Petitioner

: Mr.V.S.Mannarsamy

ORDER

The above Civil Revision Petition is filed challenging the order of dismissal of Section 10 Petition in I.A.No.1976 of 2018 in O.S.No.562 of 2014. The defendant has taken out this

application on the ground that the subject matter of the proceedings of the suit O.S.No.562 of 2014 is already pending in Second Appeal Nos.569 and 570 of 2010 which emanates from the suit O.S.No.76 of 2004, on the file of the District Munsif Court, Maduranthagam. The said application has been dismissed by the learned Judge stating that the two proceedings are totally different and the parties are also different.

2.Challenging the same the revision petitioner is before this Court. Heard the counsel for the petitioner. On a perusal, it is clear that the suit O.S.No.76 of 2004 was filed by one Saraswathi and Jamunabai for a declaration and consequential injunction in respect of wall, 5.H.P. Electric Motor and Electric Service in Survey No.22/2 (Old S.No.22/1A and 2), Sinthamani Village, Maduranthagam Taluk, Kancheepuram District. The parties to the present suit are the 5th defendant (the revision petitioner herein) and defendants 2, 3 and 4 in earlier suit O.S.No.76 of 2004.

3.The suit O.S.No.562 of 2014 has been filed for a permanent injunction by the defendants 2 to 4 in the earlier suit O.S.No.76 of 2004, against the 5th defendant in the suit O.S.No.76 of 2004. The plaintiff herein seek to restrain the defendant from interfering with the possession and enjoyment of the D-Schedule property by the plaintiffs. This property is not the subject matter of the earlier suit. The parties and proceedings are different and the relief claimed is also different. The learned Judge has rightly dismissed the said application.

The Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is also closed.

सत्यमेव जयते

05.04.2019

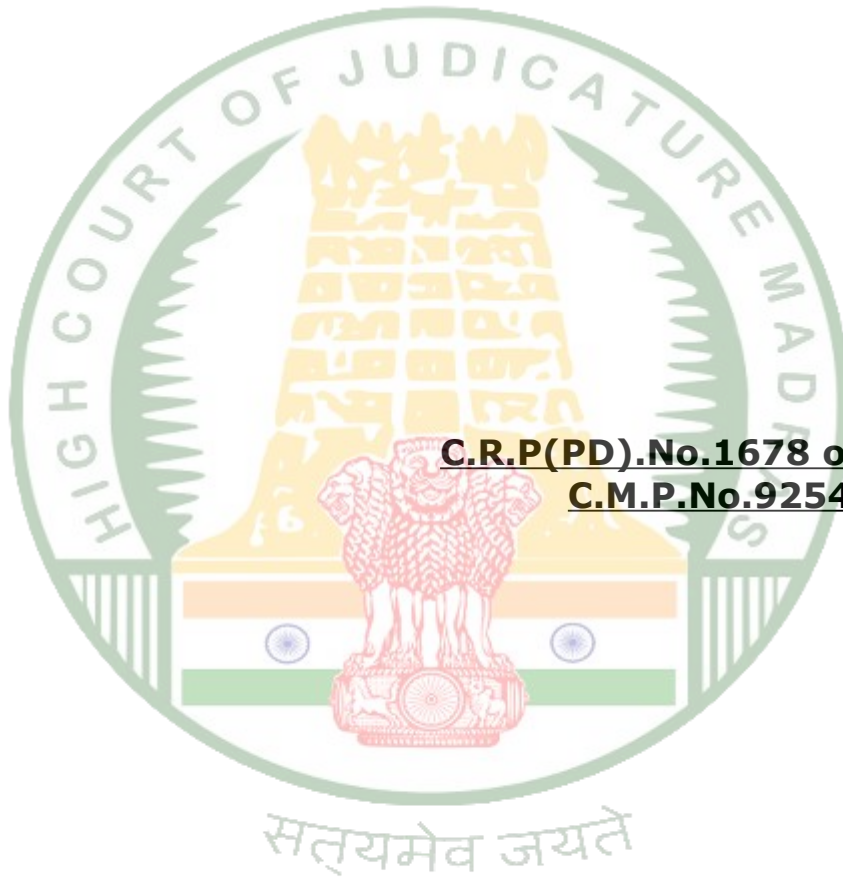
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Index : Yes/No
Speaking order/non-speaking order

To

The District Munsif, Maduranthagam.

P.T.ASHA, J.,

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