

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.02.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P. (PD) .No.5 of 2017

and

C.M.P.No.13 of 2017

G.Narasa Reddiar

... Petitioner/Petitioner/Plaintiff

-vs-

1.Mrs.Rajalakshmi

Lakshmi Narayanan (died)

2.Raghothaman

3.Venkatakrishnan

4.Kumar

5.Subhashini

... Respondents/Respondents/Defendants

(Cause title accepted vide order of Court dt.01/12/2016 by KKSJ made in CMP.18864/16 IN CRP.SR.77601/2016)

PRAYER:

Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order passed in I.A.No.161 of 2014 in O.S.No.253 of 2005 dated 10.07.2014 on the file of the 2nd Additional District Munsif Court, Ulundurpettai.

For Petitioner : Mr.N.Naganathan

For Respondents : M/s.R.Poornima for R2 & R3

No appearance for R1, R4 & R5

ORDER

The above Civil Revision Petition is filed challenging the order of the learned 2nd Additional District Munsif dismissing I.A.No.161 of 2014 in O.S.No.253 of 2005 dated 10.07.2014, which is an application filed by the revision petitioner/plaintiff under Section 10 of CPC to stay all further proceedings in O.S.No.253 of 2005 till the disposal of A.S.No.81 of 2006 pending on the file of the Principal Subordinate Court, Villupuram.

2. The ground on which I.A.No.161 of 2014 in O.S.No.253 of 2005 has been filed is that the issue in the earlier Suit in O.S.No.27 of 1995, from which A.S.No.81 of 2006 arises is with reference to the very same Suit property and against the very same respondents. The Suit in O.S.No.27 of 1995 was dismissed on 30.06.2005 by the I Additional District Munsif, Ulundurpet. Though an Application has been filed under Section 10 of CPC that the present Suit, namely, O.S.No.253 of 2005 is with reference to the same subject matter and against the same parties as in O.S.No.27 of 1995, the plaint in O.S.No.27 of 1995 has not been produced for the scrutiny of the Court below to enable the Court to verify as to whether the statement made by the Revision Petitioner is right. It is with these observations that I.A.No.161 of 2014 in O.S.No.253 of 2005 has been dismissed by the learned 2nd Additional District Munsif, Ulundurpettai. Therefore, I do not find any infirmity in the Order passed in I.A.No.161 of 2014 in O.S.No.253 of 2005.

3. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1.The Additional District Munsif
The 2nd Additional District Munsif Court,
Ulundurpettai.

Copy to

The Section officer
VR Section, High Court, Madras 104.

+1 CC to Mr.N.Naganathan, Advocate sr 13131.

+1 CC to Ms.R.Poornima, advocate sr 13014.

C.R.P. (PD) .No.5 of 2017
and
C.M.P.No.13 of 2017

RSV(CO)
SP(09/05/2019)