



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 09.12.2020

CORAM :

THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**

C.R.P (MD) No.1104 of 2019

and

C.M.P. (MD) No.5990 of 2019

S.P.Selvaraj

... Petitioner/Defendant

Vs.

S.P.Anthonysamy

... Respondent /Plaintiff

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike off the plaint filed in O.S.No.124 of 2019 on the file of the Additional Subordinate Judge, Thanjavur.

For Petitioner : Mr.T.Lajapathi Roy

For Respondent : Mr.P.Vadivel

O R D E R

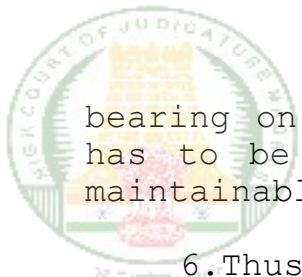
The revision petitioner herein is the defendant in O.S.No.124 of 2019, wherein the respondent sought declaration of the suit property as common pathway between both parties and for ancillary reliefs.

2.The Present Revision petition has been filed to strike off the pleadings on the ground that the present suit is one too many as the matter has already been resolved by the Revenue Divisional Officer under the proceedings initiated under Section 145 of the Criminal Procedure Code.

3. Heard both sides.

4. The learned counsel for the revision petitioner only reiterated the contentions appeared in the revision petition, whereas the learned counsel for the respondent /plaintiff before the trial Court stated that the revision petitioner has already been set ex-parte by the trial Court.

5.Any order passed by the Revenue Divisional Officer under the proceedings initiated under Section 145 of the Criminal Procedure Code is only intended to maintain tranquility and it does not have a



bearing on the Civil Court. Ultimately, the title to the property has to be decided by the Civil Court and therefore, the suit is maintainable.

6. Thus this Court does not find any reason to strike off the pleadings. Accordingly, this Civil Revision Petition is dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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To

The Additional Subordinate Judge,
Thanjavur.

Copy to: The V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2)

+1CC to Mr. T. Lajapathi Roy, Advocate, SR.No. 24788.

+1CC to Mr. P. Vadivel, Advocate, SR.No. 24729.

C.R.P (MD) No. 1104 of 2019

09.12.2020

SS (CO)

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