



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.08.2020

CORAM

THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

C.R.P.PD. (MD)No.251 of 2018
and
C.M.P. (MD)No.1044 of 2018

1.Mariamammal

2.Subbalakshmi : Petitioners/Petitioners/Plaintiffs

.. Vs ..

R.Subbalakshmi : Respondent/Respondent/1st Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to allow the Civil Revision Petition with cost by setting aside the fair and final order dated 13.07.2017 in I.A.No.1036 of 2016 in O.S.No.200 of 2016 on the file of District Munsif Court, Sivakasi.

For Petitioners : Mr.A.Sivaji

ORDER

This Civil Revision Petition is directed against the order dismissing the petition in I.A.No.1036 of 2016 in O.S.No.200 of 2016 on the file of the District Munsif, Sivakasi, to permit the petitioners to file separate suit in respect of certain other properties which are not included in the suit schedule.

2.The learned Counsel appearing for the revision petitioners has filed a memo stating that the petitioners may be permitted to approach the lower Court to withdraw the suit with liberty to file a fresh suit before the competent Court. He has also submitted that the suit prayer has now been enlarged after adding of new parties and inclusion of more number of properties. The learned Counsel conceded that it would be appropriate for the revision petitioners to file an application to withdraw the suit with liberty to file another suit on the same cause of action.

3.In view of the above, this Court is of the view that this Civil Revision Petition is not necessary and can be closed with liberty to the revision petitioners to file an application under Order 23, Rule 1(3) C.P.C. Accordingly, this Civil Revision Petition is closed. However, liberty is given to the revision petitioners to file a petition under Order 23, Rule 1(3) of C.P.C.

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merits. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Deputy Registrar (LA&M)

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Sub Assistant Registrar(CS)

SRM

To

1.The District Munsif Court,
Sivakasi.

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

+1 CC to M/s.A. SIVAJI, Advocate (SR-14835[F] dated 25/08/2020)

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KB(03.09.2020) 2P 5C