

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(P.D).No.1171 of 2018

Madaiyan

...Petitioner

Vs

1.Marakkal @ Malliga

2.R.Natesan

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 09.11.2017 made in I.A.No.296 of 2017 in O.S.No.27 of 2017 on the file of the Sub Court, Harur.

For Petitioner : Mr.T.Dhanyakumar

For Respondent : No appearance

ORDER

This Civil Revision Petition is directed as against the fair and decreetal order dated 09.11.2017 made in I.A.No.296 of 2017 in O.S.No.27 of 2017 on the file of the Sub Court, Harur, thereby dismissing the petition for rejection of plaint.

2. The petitioner is the second defendant and the first respondent is the plaintiff. The first respondent filed a suit for partition. While pending suit, the petitioner filed a petition for rejection of plaint on the ground that the first respondent already filed a suit for partition in O.S.No.25 of 2016 and the same was dismissed as withdrawn by Judgment and Decree dated 27.04.2016 and therefore, the first respondent cannot maintain the present suit. However, the same was dismissed by the Court below for the reason that until the properties are divided by partition, suit can be maintained. Therefore, this Court finds no illegality or infirmity in the order passed by the Court below. Accordingly, the Civil Revision Petition is dismissed. However, the petitioner is at liberty to raise all the grounds before the Court below. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

18.06.2021

Index: Yes/No

Internet: Yes/No

Speaking Order: Yes/No

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To
The Sub Court,
Harur.

2/3

C.R.P.(P.D).No.1171 of 2018

G.K.ILANTHIRAIYAN.J,

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