

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.PD.Nos.3022 and 3063 of 2018

and

C.M.P.No.17760 and 17543 of 2018

C.R.P.PD.No.3022 of 2018

Poonkodi
W/o.D.Murugan
Rep by her Power Agent,
Micheal Pandian
S/o.M.Swamydoss

... Petitioner

Vs.

1. G.Ramesh
2. G.Jagadeswari

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records in respect of memo order dated 21.08.2018 in O.S.No.229 of 2012 passed by the learned District Munsif, Ambattur, Chennai and set aside the same and allow the Civil Revision Petition.

For Petitioner : Mr.T.R.Senthilkumar

For Respondent : Mr.S.Parthasarathy
Senior Counsel for
Mr.P.Udhayashankar (for R1 & R2)

C.R.P.PD.No.3063 of 2018

Poonkodi
W/o.D.Murugan
Rep by her Power Agent,
Micheal Pandian
S/o.M.Swamydoss

... Petitioner

Vs.

1. G.Ramesh
2. G.Jagadeswari

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the judgment and decree in I.A.No.157 of 2018 in O.S.No.229 of 2012 dated 27.03.2018 passed by the learned District Munsif, Ambattur, Chennai and set aside the same and allow the Civil Revision Petition.

For Petitioner : Mr.T.R.Senthilkumar

For Respondent : Mr.S.Parthasarathy
Senior Counsel for
Mr.P.Udhayashankar (for R1 & R2)

COMMON ORDER

C.R.P.PD.No.3022 of 2018 is directed as against the memo order passed dated 21.08.2018 in O.S.No.229 of 2012 passed by the learned District Munsif, Ambattur, Chennai, thereby rejected the memo seeking

permission to withdraw the suit.

2. C.R.P.PD.No.3063 of 2018 is directed as against the fair and decretal order passed in I.A.No.157 of 2018 in O.S.No.229 of 2012 dated 27.03.2018 on the file of the learned District Munsif, Ambattur, Chennai, thereby dismissing the petition seeking permission to withdraw the suit with liberty to file a fresh suit.

3. In both the Civil Revision Petitions, the petitioner is the plaintiff and the respondents are the defendants. The petitioner filed the suit for permanent injunction in respect of the suit property. While pending the suit, the petitioner filed a petition in I.A.No.157 of 2018 seeking permission to withdraw the suit with liberty to file a fresh suit if any and the same was rejected. Subsequently, the petitioner also filed a memo seeking permission of the Court below to withdraw the suit without seeking any liberty to file a fresh suit. The said memo was also rejected by the Court below.

4. Both the counsels submitted that the petitioner may be permitted to withdraw the suit without any liberty to file a fresh suit. Considering the said request, the suit in O.S.No.229 of 2012 is dismissed as withdrawn

without any liberty to file a fresh suit on the same cause of action and the order passed in I.A.No.157 of 2018 in O.S.No.229 of 2012 dated 27.03.2018 is hereby set aside.

5. In view of the above discussion, C.R.P.No.3022 of 2018 is allowed and C.R.P.No.3063 of 2018 is disposed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

06.07.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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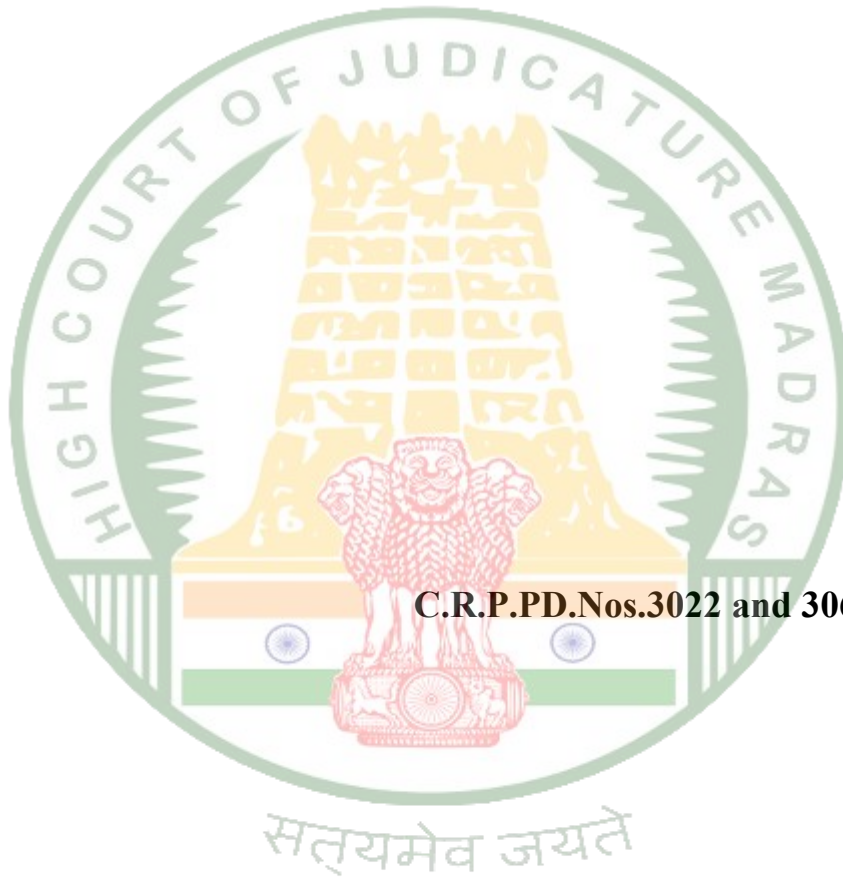
To

1. The District Munsif, Ambattur, Chennai.
2. The Section Officer,
V.R.Section, High Court of Madras.

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G.K.ILANTHIRAIYAN,J.

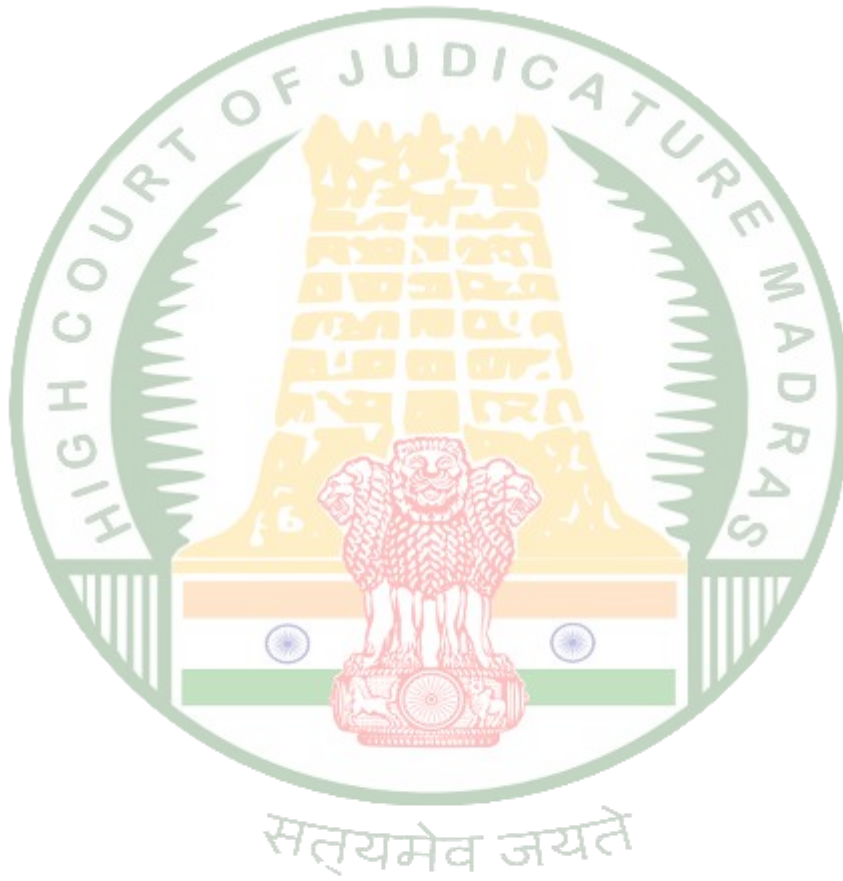
Kv



C.R.P.PD.Nos.3022 and 3063 of 2018

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