



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) No.1150 of 2020

and

CMP(MD) .No.7348 of 2020

WEB COPY

Dr.N.Venkateshkumar

... Petitioner/Defendant

-Vs-

T.Rengagopal

... Respondent/Plaintiff

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to pass an order rejecting the plaint filed in O.S.No.97 of 2019 by the respondent with costs.

For Petitioner : Mr.S.Anand Chandrasekar
for M/s.Sarvabhaman Associates
For Respondent : Mr.M.Thirunavukarasu

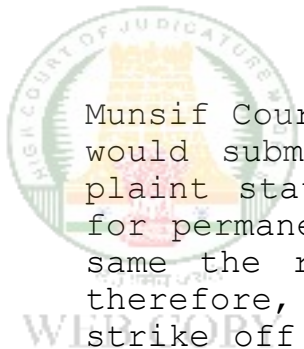
O R D E R

This revision petition has been filed against the plaint filed by the respondent in O.S.No.97 of 2019 on the file of the District Munsif Court, Oddanchathiram.

2. The learned counsel for the revision petitioner would submit that the petitioner has filed O.S.No.284 of 2019 for a relief of permanent injunction with respect to S.No.182/2B on the file of the Subordinate Court, Palani, wherein, the respondent herein was arrayed as 5th defendant. He would further submit that the respondent has filed O.S.No.97 of 2019 for declaration and permanent injunction on the file of the District Munsif Court, Oddanchathiram. It is the contention of the petitioner that the respondent has suppressed the fact of the pendency of the suit in O.S.No.284 of 2019 in the present suit in O.S.No.97 of 2019. Therefore, he filed the present civil revision petition to reject the plaint in O.S.No.97 of 2019.

3. Heard the learned counsel for the revision petitioner as well as the respondent and perused the materials placed before this Court.

4. Perusal of affidavit filed by the respondent shows that the petitioner has filed the suit against the respondent and six others in O.S.No.284 of 2019 for declaration and permanent injunction before the Subordinate Court, Palani. In the said suit, the respondent is the 5th defendant and as against the respondent the relief of permanent injunction was sought for. Subsequently, the respondent filed a suit in O.S.No.97 of 2019 against the petitioner herein for declaration and permanent injunction before the District



Munsif Court, Oddanchathiram. The learned counsel for the petitioner would submit that the petitioner has come forward to reject the plaint stating that in respect of survey No.182/2B, he has sought for permanent injunction against the respondent and suppressing the same the respondent has filed the suit in O.S.No.97 of 2019 and therefore, he has come forward with the present application to strike off the plaint in O.S.No.97 of 2019. The learned counsel for the respondent would state that he is not claiming any right over the property comprised in Survey No.182/2B and he also undertakes that he will not claim any right over the property in Survey No.182/2B and an undertaking affidavit dated 14.03.2021 signed by the respondent herein has also filed to that effect. Since such an undertaking affidavit has been filed by the respondent, the petitioner may not have any grievance.

5. Recording the same, this civil revision petition is disposed of. The undertaking affidavit shall form part and parcel of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Munsif Court,
Oddanchathiram.

2.The Section Officer, (2C)
VR Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.SARVABHAUMAN ASSOCIATES, Advocate (SR-12173[F] dated 18/03/2021)

C.R.P. (MD) No.1150 of 2020
18.03.2021

PM(CO)

KB(17.04.2021) 2P 5C