



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.07.2021

CORAM

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

C.R.P(MD)No.1126 of 2014

M.P(MD) No.1 of 2014

K.Kamaraj

...Petitioner

Vs.

Kamurathinam

...Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records in pursuant to the order and decreetal order dated 24.09.2013 in IA.No.815 of 2013 in OS.No.41 of 2013 passed by the learned District Munsif Court, Sivagangai and to set aside the same by allowing this civil revision petition.

For Petitioner : Mr.M.Karthikeya Venkatachalapathi

For Respondent : No appearance

ORDER

- 1.This Civil Revision Petition has been filed to set aside the order and decreetal order, dated 24.09.2013 in IA.No.815 of 2013 in OS.No.41 of 2013, passed by the learned District Munsif Court, Sivagangai.
- 2.The facts of the case, in a nutshell, are that the revision petitioner is the first defendant and the respondent is the plaintiff. The suit was filed for declaration. In the suit, the petitioner has filed the above application, to reject the plaint. Since the said application was dismissed, by the impugned order, this Civil Revision Petition has been filed.
- 3.The learned counsel for the petitioner would submit that the respondent herein has already filed a suit in OS.No.1132 of 1992 for partition and it was dismissed on 22.08.2005, wherein the settlement deed, dated 12.04.1950, was held to be not acted upon and the appeal filed as against the same, in AS.No.14 of 2007 was also dismissed and hence, the present suit is nothing but a abuse of process of this Court. He would further submit that since in the earlier suit, the settlement deed dated 12.04.1950 relied upon by the respondent/plaintiff was decided as not acted upon, the present suit based on the said deed is not at all maintainable and hence, he would pray for setting aside the impugned order.
- 4.This Court heard the learned counsel for the petitioner and also

<https://hcservices.ecofirtds.gov.in/hcservices/>

rejected
earlier

- Sd/-

```
// True Copy //
```

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.

1.The District Munsif Court, Sivagangai.

VR Section,

Madurai Bench of Madras High Court, Madurai.

and

16.07.2021