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C.R.P. (PD).No.1432 of 2016



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD).No.1432 of 2016

and

C.M.P.No.7869 of 2016

S.Moosa

.. Petitioner

Vs.

1.Sartaj Begum

2.Jeelani Begum

3.Amirjaan

4.Kamal Basha

5.Saleem

6.The District Collector,
Collectorate Office,
Villupuram District,
Villupuram.

.. Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike off the plaint in P.O.P.No.131 of 2015 dated 13.07.2015 on the file of the Principal District Court, Villupuram.

For Petitioner : Mr.N.A.Nissar Ahmed

For RR 1 & 2 : Mr.K.Sridhar

For R4 : No appearance

For R6 : Mr.D.Gopal
Government Advocate (CS)

ORDER



(The matter is heard through “Video Conferencing”.)

This Civil Revision Petition is filed to strike off the plaint in

P.O.P.No.131 of 2015 dated 13.07.2015 on the file of the Principal District Court, Villupuram.

2.Pending Civil Revision Petition, the respondents 1 & 2 have filed I.A.No.381 of 2021 under Order XXIII Rule 1(3) of the Code of Civil Procedure to permit them to withdraw the main P.O.P. with liberty to file a fresh suit on the same cause of action.

3.The learned Principal District Judge, Villupuram, by the order dated 24.09.2021 allowed the I.A.No.381 of 2021 and granted liberty to respondents 1 & 2 to file a fresh suit on the same cause of action.

4.The learned counsel appearing for the petitioner submitted that at the time of admission of Civil Revision Petition, this Court granted interim stay of further proceedings in P.O.P.No.131 of 2015. In spite of order of stay granted by this Court, the Lower Court has granted permission to the respondents 1 & 2 to withdraw the P.O.P.No.131 of 2015 and granted liberty to file a fresh P.O.P. on the same cause of action. The learned counsel further submitted



that he has filed C.R.P.No.3040 of 2021 challenging the order dated 24.09.2021 made in I.A.No.381 of 2021.

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5.Considering the fact that suit has already been dismissed as withdrawn, the present Civil Revision Petition has become infructuous. However, it is open to the petitioner to proceed with the C.R.P. filed by him challenging the order dated 24.09.2021 passed in I.A.No.381 of 2021 and if he succeeds in the C.R.P., liberty is given to restore the C.R.P.

6.With the above observations, this Civil Revision Petition is dismissed as infructuous. Consequently, the connected Miscellaneous Petition is closed.
No costs.

05.01.2022

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Index : Yes / No

Internet : Yes / No

To

The learned Principal District Judge,
Villupuram.

V.M.VELUMANI, J.



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