



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

C.R.P. (PD) No.2312 of 2022

N.Periyasamy

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Petitioner /
Plaintiff

versus

1.The Block Development Officer,
Chinnasalem.

2.The Revenue Divisional Officer,
Kallakurichi.

3.The Tahsildar,
Chinnasalem.

4.The Village Administrative Officer,
Koogaiyur Village,
Chinnasalem.

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Respondents /
Defendants

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the order dated 08.04.2022 made in I.A.No.189 of 2022 in O.S.No.213 of 2019 on the file of the learned II Additional District Munsif, Kallakurichi District and to allow the above petition.



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For Petitioner : Mr.M.Manimaran
For Respondent No.1 : M/s.P.Vijayadevi
Government Advocate
For Respondent Nos.2 to 4 : Mr.E.Vijayanand
Additional Government Pleader

ORDER

This Civil Revision Petition has been preferred challenging the order of the learned II Additional District Munsif, Kallakurichi District, dated 08.04.2022 made in I.A.No.189 of 2022 in O.S.No.213 of 2019.

2. The revision petitioner is the plaintiff who has filed the suit for the reliefs of declaration and permanent injunction. When the suit was pending the petitioner filed Interlocutory Application in I.A.No.189 of 2022 to withdraw the suit with liberty to file a fresh suit based on the same cause of action and the said petition was dismissed. Aggrieved over that, the petitioner has filed the present Civil Revision Petition.

3. On perusal of the affidavit filed by the revision petitioner in support of his petition, it is seen that he has not stated any comprehensive reason for withdrawing the suit with liberty to file a fresh one. However, the learned counsel for the revision petitioner submitted that he omitted to



include certain pleadings and there is also a third party, who has initiated some proceedings in respect of the suit property in the High Court. But it has not been explained how those omissions or the third party proceedings would render the suit itself defective and that it should be withdrawn. Even the learned trial Judge has observed that the plaintiff has not found out any formal defects in order to get an order so prayed in his petition. Since the petitioner has filed bald affidavit without any material details, it is right for the learned trial Judge to dismiss the petition. Hence, I do not find any ground for interference.

4. In view of the above stated reasons, this Civil Revision Petition is dismissed and the order dated 08.04.2022 passed by the learned II Additional District Munsif, Kallakurichi District in I.A.No.189 of 2022 in O.S.No.213 of 2019 is hereby confirmed. No costs.

02.08.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

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R.N.MANJULA, J.

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To

The II Additional District Munsif,
Kallakurichi District.

C.R.P. (PD) No.2312 of 2022

02.08.2022

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