



C.R.P. Nos.2624 & 2858 of 2017

C.R.P. Nos.2624 & 2858 of 2017

WEB COPY

T.V.THAMILSELVI, J.

These matters were taken up for hearing under the caption “For Being Mentioned” today at the instance of the learned counsel for the petitioner.

2. The learned counsel for petitioners would submit that this Court by an order dated 30.11.2022 disposed of the above C.R.P.s and also issued direction. However, they need some modification in paras 2 and 3 of the order. Accordingly, the matters are listed today.

3. Heard the contentions of learned counsel for petitioners and learned counsel for respondents and perused the order.

4. Considering his submissions, the paras 2 and 3 of the order shall be substituted as follows:

In Paras 2 and 3 at Page 3

“2. These Civil Revision Petitions are filed arising out of the suit for permanent injunction filed in O.S.No. 226 of 2012. Today, when the matters taken up for hearing, learned counsel for revision petitioners in C.R.P. No.2858 of 2017 submitted that as



C.R.P. Nos.2624 & 2858 of 2017

WEB COPY

per the instructions given by the parties, they want to withdraw the suit and liberty may be granted to file a fresh suit on the same cause of action.

3. In view of the submissions made by learned counsel appearing for revision petitioners in C.R.P.No.2858 of 2017, liberty is granted to the plaintiffs and they are permitted to withdraw the suit and file a fresh suit on the same cause of action. If necessary, they can proceed the fresh suit with the prayer for declaration. Accordingly, these Civil Revision Petitions are disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.”

5. Registry is directed to incorporate above correction in the Order of this Court in C.R.P.Nos.2624 & 2858 of 2017 dated 30.11.2022 and issue fresh order copy to the petitioner.

13.02.2023

rpp



WEB COPY



C.R.P. Nos.2624 & 2858 of 2017

T.V.THAMILSELVI, J.

rpp

C.R.P. Nos.2624 & 2858
of 2017

13.02.2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS



C.R.P. Nos.2624 & 2858 of 2017

DATED : 30.11.2022

WEB COPY

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.Nos.2624 & 2858 of 2017

and

C.M.P. No. 13478 of 2017

C.R.P. No.2624 of 2017

S.Dayalan,
S/o. Seramattan

... Petitioner

Versus

1. K. Perumal,
S/o. Kuppan

2. K.Selvaraj,
S/o. Kuppan

3. K.Ramesh,
S/o. Kuppan

... Respondents

PRAYER : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the fair and decreetal order dated 06.01.2017 made in I.A.No.1187 of 2015 in O.S.No.226 of 2012 on the file of District Munsif Court, Madurantakam.



C.R.P. Nos.2624 & 2858 of 2017

C.R.P. No.2858 of 2017

WEB COPY

1. K. Perumal,
S/o. Kuppan

2. K.Selvaraj,
S/o. Kuppan

3. K.Ramesh,
S/o. Kuppan

... Petitioners

Vs.

S.Dayalan,
S/o. Seramattan

... Respondent

PRAYER : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the fair and decreetal order dated 04.03.2016 made in I.A.No. 633 of 2015 in O.S. No.226 of 2012 on the file of the District Munsif Court, Madurantagam.

For Petitioner in
C.R.P.No.2624 of 2017 : Mr. N.K.Sivakumar

For Respondent in
C.R.P.No.2624 of 2017 : Mr.K.Govi Ganesan



C.R.P. Nos.2624 & 2858 of 2017

For Petitioner in
C.R.P.No. 2858 of 2017 : Mr. K.Govi Ganesan

For Respondent in
C.R.P.No.2858 of 2017 : No appearance

COMMON ORDER

These Civil Revision Petitions have been filed seeking to set aside the fair and decreetal order dated 06.01.2017 passed in I.A.No.1187 of 2015 and fair and decreetal order dated 04.03.2016 passed in I.A.No.633 of 2015, on the file of learned District Munsif, Madurantagam respectively.

2. These Civil Revision Petitions are filed arising out of the suit for permanent injunction filed in O.S.No. 226 of 2012. Today, when the matters taken up for hearing, learned counsel for revision petitioners submitted that as per the instructions given by the parties, they want to withdraw the suit and liberty may be granted to file a fresh suit on the same cause of action.



WEB COPY



C.R.P. Nos.2624 & 2858 of 2017

3. In view of the submissions made by learned counsel appearing for revision petitioners in both the Revision Petitions, liberty is granted to the plaintiffs and they are permitted to withdraw the suit and file a fresh suit on the same cause of action. If necessary, they can proceed the fresh suit with the prayer for declaration. Accordingly, these Civil Revision Petitions are disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

30.11.2022

rpp

To

District Munsif,
Madurantagam.



WEB COPY



C.R.P. Nos.2624 & 2858 of 2017

T.V.THAMILSELVI, J.

rpp

C.R.P.Nos.2624 & 2858 of 2017

30.11.2022