



C.R.P.No.3940 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.No.3940 of 2022

1. Lakshmi

2. Kathirvel

... Petitioners

Vs.

1. Vellingiri

2. Nachiyammal

3. Ammasaiammal

4. Marathal

5. Senthilkumar

6. The Thasildar

Kinathukadavu Taluk.

7. The Collector,

Coimbatore District.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, pleaded to set aside the fair and decreetal order dated 23.08.2022 passed in I.A.No.1 of 2021 in O.S.No.348 of 2014 by the District Munsif at Pollachi.

For Petitioners : M/s.S.Kiruthika

For R1 to R5 : No Appearance

For R6 & R7 : Dr.S.Suriya

Additional Government Pleader.

ORDER

This Civil Revision Petition is filed challenging the order passed by the Court below dismissing the petition filed by revision petitioners seeking to reject the plaint in O.S.No.348 of 2014.



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2. The respondents 1 to 5 filed a suit for declaration that they along with 2nd petitioner herein alone were legal heirs of deceased Kandasamy. The said suit was resisted by the petitioners on the ground, the dispute regarding the legal heirship was already decided in a earlier suit for partition in O.S.No.176 of 2007. The petitioners filed an instant application in I.A.No.1 of 2021 seeking to reject the plaint mainly on the ground that prayer sought for in this plaint is barred by resjudicata, since there was a finding in earlier suit regarding the legal status of the parties. The Court below dismissed the petition for rejection of the plaint on the ground that the question with regard to the resjudicata can be decided by the Court based on the pleadings, judgment and decree passed in earlier O.S.No.176 of 2007. The said exercise can be done only at the time of final disposal of the suit. At the time of the considering the petition for rejection of the plaint. The Court is only concerned with the plaint averments and plaint documents. I do not find any error in the order passed by the Court below. Accordingly, this Civil Revision Petition is dismissed. No costs.

01.12.2022

Index: Yes/ No
Speaking Order / Non-Speaking Order
jai



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To

- 1.The District Munsif,
Pollachi.
2. The Thasildar
Kinathukadavu Taluk.
- 3.The Collector,
Coimbatore District.



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S.SOUNTHAR, J.

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