



WEB COPY

C.R.P(MD)No.689 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2022

CORAM

THE HON'BLE MRS.JUSTICE S.ANANTHI

C.R.P (MD)No.689 of 2022

and

C.M.P (MD)No.2840 of 2022

K.Subbaiah

...Petitioner/Plaintiff

Vs.

Thambiraja

...Respondent/Defendant

PRAYER: Civil Revision Petition filed under Article 227 of The Constitution of India, to set aside fair and decreetal order dated 21.03.2022 passed in I.A.No.14 of 2022 in O.S.No.4 of 2015 on the file of District Munsif Court, Devakottai.

For Petitioner : Mr.M.P.Senthil

For Respondent : No Appearance

ORDER

The Civil Revision Petition has been filed to set aside fair and decreetal order dated 21.03.2022 passed in I.A.No.14 of 2022 in O.S.No.4 of 2015 on the file of District Munsif Court, Devakottai.

2.Considering the nature of relief to be granted, issuance of notice to the respondent is dispensed with.

3.I.A.No.14 of 2022 was filed by the revision petitioner/plaintiff under Order 23 Rule 1 r/w Section 151 of CPC, for withdrawal of suit, which was dismissed by the learned District Munsif, Devakottai on the ground that he has not sought any liberty to file fresh suit on same cause of action.

4.As per Order 23, Rule 1 of CPC., at any time after the institution of a suit, the plaintiff may as against all or any of the defendants abandon his suit or abandon a part of his claim. Provided that where the plaintiff is a minor or other person to whom the provisions contained in Rules 1 to 14 of Order 32 extend neither the suit nor any part of the claim shall be abandoned without the leave of the Court.

5.The Honourable Supreme Court in the decision reported in **(2017) 6 CTC 771 (Anil Kumar Singh Vs. Vijay Pal Singh)** held as follows:-

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

