



CRP(PD)(MD)No.2281 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.2281 of 2022 and
CMP(MD) No.10853 of 2022

Xavier

... Petitioner

Vs

- 1.The State of Tamil Nadu
Rep by its
District Collector,
Trichy District,
Collectorate,
Trichy – 1.
- 2.The Tahsildar,
Town Hall,
Trichy.
- 3.The Commissioner,
Tiruchirappalli City Corporation,
Bharathidasan Salai,
Cantonment,
Trichy – 1.



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4.The Assistant Commissioner cum Zonal Officer,
Tiruchirappalli City Corporation,
Bharathidasan Salai,
Cantonment,
Trichy – 1.

5.L.M.Maria Parveen

6.I.Francis

... Respondents

Prayer: Petition filed under Article 227 of the Constitution of India, as against the fair and decreetal order dated 17.03.2022 in I.A.No.899 of 2009 in O.S.No.1399 of 2009 on the file of the learned Principal District Munsif, Tiruchirappalli.

For Petitioner	: Mr.K.Baalasundharam
For R1 & R2	: Mr.A.Kannan Additional Government Pleader
For R3 & R4	: Mr.R.Baskaran Standing Counsel.

ORDER

This Civil Revision Petition is filed as against the order passed by the learned Principal District Munsif, Tiruchirappalli in I.A.No.899 of 2009 in O.S.No.1399 of 2009, dated 17.03.2022.



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2.Today(15.12.2022), when the matter is taken up for hearing, the learned counsel appearing for the respondents submits that the main suit in O.S.No.1399 of 2009 itself was dismissed on 12.07.2022. He further submits that this Civil Revision Petition was filed on 28.10.2022, when the main suit was not in existence. Therefore, this Civil Revision Petition is liable to be dismissed.

3.The learned counsel appearing for the petitioner/plaintiff claims that the petitioner/plaintiff has filed an application to restore the the suit to file.

4.Heard the learned counsel on either side and perused the materials placed on record.

5.Though the learned counsel for the petitioner claims that the petitioner filed an application to restore the suit, the fact remains



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that Civil Revision Petition itself was filed when the main suit was not in existence.

6.In view of the above, this Civil Revision Petition is dismissed with a liberty to the petitioner to file a fresh Civil Revision Petition, provided if the suit is restored to file and if he is still aggrieved. No costs. Consequently, connected Miscellaneous Petition is closed.

15.12.2022

Index : Yes / No.

Internet : Yes / No.

vrn

To

The Principal District Munsif, Tiruchirappalli.



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B.PUGALENDHI, J.

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Order made in
CRP(PD)(MD)No.2281 of 2022 and
CMP(MD) No.10853 of 2022

15.12.2022