



C.R.P.No.2013 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.No.2013 of 2019
and
C.M.P.No.13051 of 2019

Dr.N.K.Rajendran Petitioner

Vs

1. S.Karthikeyan
2. R. Malini Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 18.02.2019 made in I.A.No.292 of 2018 in O.S.No.112 of 2017 on the file of Court of the District Munsif, Arakkonam, Vellore District.

For Petitioner : Mr.T.P.Prabakaran
For Respondents : No appearance

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 18.02.2019 made in I.A.No.292 of 2018 in O.S.No.112 of 2017 on the file of Court of the District Munsif, Arakkonam, Vellore District, thereby dismissing the petition to permit the petitioner to withdraw



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the suit with liberty to file fresh suit on the same cause of action or contest the suit filed by the respondents.

2. The petitioner filed a suit for injunction as against the respondents herein in respect of the suit property. Pending suit, the respondents filed another suit in O.S.No.25 of 2017 on the file of the Additional District Court, Ranipet for cancellation of sale deed in respect of the very same property executed in favour of the petitioner herein and consequential injunction. Therefore, the petitioner filed a petition seeking permission to withdraw the suit filed by him with liberty to file a fresh suit or to contest the suit filed by the respondents in O.S.No.25 of 2017.

3. Once, the petitioner filed a suit for injunction and after filing the suit filed by the respondents challenging the sale deed and consequential injunction in respect of the very same property, he cannot be permitted to withdraw the present suit with liberty to file a fresh suit on the same cause of action. Therefore, the Court below rightly dismissed the petition.

4. In view of the above, this Court finds no infirmity or illegality



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in the order dated 18.02.2019 passed in I.A.No.292 of 2018 in O.S.No.112 of 2017 on the file of Court of the District Munsif, Arakkonam, Vellore District. However, the petitioner is permitted to withdraw the suit filed by him for injunction without any liberty to file fresh suit as against the respondents on the very same cause of action.

5. In the result, this Civil Revision Petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

05.01.2023

Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No
Lpp

To

The District Munsif,
Arakkonam,
Vellore District.

G.K.ILANTHIRAIYAN, J.



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