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C.R.P.No.1795 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:21.04.2023

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

C.R.P.No.1795 of 2021

and

C.M.P.No.13934 of 2021

K.Ravi

...Petitioner

Versus

1.Muthukutty

2.M.Tamilalagan

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, prayed to set aside the fair and decretal order dated 25.02.2020 made in I.A.No.743 of 2018 in O.S.No.62 of 2017 on the file of the learned District Munsif, Ponneri.

For Petitioner : Ms.K.Sindhuja

For Respondent 1 : Mr.N.Willford
for Mr.C.Venkatesan

O R D E R

This Civil Revision Petition has been filed to set aside the fair and decretal order dated 25.02.2020 made in I.A.No.743 of 2018 in O.S.No.62 of 2017 on the file of the learned District Munsif, Ponneri.



2. The 1st Defendant in O.S.No.62 of 2017 is the Revision Petitioner before this Court. The 1st Defendant in O.S.No.62 of 2017 had filed I.A.No.743 of 2018 under Order VII Rule 11 (b) and (d) of CPC seeking to reject the plaint in O.S.No.62 of 2017. The Plaintiff as 1st Respondent had filed counter in I.A.No.743 of 2018. After due enquiry, the learned District Munsif, Ponneri had dismissed the I.A.No.743 of 2018 in O.S.No.62 of 2017 as per the order dated 25.2.2020.

3. When this Civil Revision Petition is pending before this Court, the Plaintiff had filed petition seeking to withdraw the suit in O.S.No.62 of 2017 on the file of the learned District Munsif, Ponneri with liberty to file a fresh suit on the same cause of action. Also in the very same petition, the Plaintiff in O.S.No.62 of 2017 had submitted that the 1st Defendant had filed suit in O.S.No.24 of 2020 seeking recovery of possession of the suit property. Therefore, he seeks to withdraw the suit with liberty to file a fresh suit seeking declaration of title.

4. As per the remarks offered by the learned District Munsif, Ponneri, the petition filed by the Plaintiff in O.S.No.62 of 2017 seeking withdrawal of the suit is still pending.



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5. In the light of the above, this Civil Revision Petition is withdrawn based on the memo filed by the learned Counsel for the Revision Petitioner.

6. Accordingly, this Civil Revision Petition is dismissed as withdrawn. Consequently, connected miscellaneous petition is closed.

21.04.2023

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

To

The District Munsif Court, Ponneri.



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SATHI KUMAR SUKUMARA KURUP, J.

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