



C.R.P.(MD) No.900 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2023

CORAM:

**THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

C.R.P.(MD)No.900 of 2023

and

C.M.P(MD)No.4133 of 2023

B.Saraswathi

... Petitioner

Vs.

1.B.Suhashini

2.B.Ramathilagaveni

3.B.Vengadesh

4.The Sub Registrar
Sub Registrar Office
Tirumangalam,
Madurai District.

5.The District Registrar (Madurai South),
Office of the District Registrar,
Madurai South, Mahal Road,
Madurai-625001.

6.The District Collector,
Madurai Collectorate,
Madurai-625020.

... Respondents



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Prayer :- Petition filed under Article 227 of the Constitution of India, to strike off the plaint in O.S.No.33 of 2023 on the file of the Principal District Munsif Court, Tirumangalam.

For Petitioner : Mr.D.Malaichamy
For R1 : Mr.V.P.Rajan
For R4 to R6 : Mr.G.Suriyananth
Additional Government Pleader
For R3 : No appearance

ORDER

The present revision petition has been preferred by the petitioner/first defendant to strike off the plaint in O.S.No.33 of 2023 on the file of the Principal District Munsif Court, Tirumangalam.

2. The revision petitioner is the first defendant in the suit in O.S.No.33 of 2023 pending on the file of the Principal District Munsif Court, Tirumangalam. According to the petitioner, the first respondent herein has filed a suit in O.S.No.33 of 2023, for the relief of permanent



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injunction restraining the defendants, their men and agents from encumbering or altering the suit properties in any manner. While so, the first respondent has already filed a suit in O.S.No.478 of 2022 before the learned Sixth Additional District Judge, Madurai, for partition and the consequential relief of permanent injunction restraining the defendants from encumbering the suit properties in any manner.

3.The learned counsel for the petitioner would submit that the first respondent has got every right to seek the relief prayed for in O.S.No.478 of 2022. Instead the first respondent filed the suit in O.S.No.33 of 2023 suppressing the pendency of the suit in O.S.No.478 of 2022 as if the suit in O.S.No.33 of 2023 is arising from different cause of action. Since the suit in O.S.No.33 of 2023 is vexatious and abuse of process of Court, the revision petitioner prays for striking off the plaint in O.S.No.33 of 2023.

4. During the course of arguments in this civil revision petition, the learned counsel appearing for the first respondent would submit that the first respondent would withdraw the suit in O.S.No.33 of 2023, on the



C.R.P.(MD) No.900 of 2023

file of the Principal District Munsif Court, Tirumangalam and pursue the suit for partition in O.S.No.478 of 2022, pending on the file of the VI Additional District Court, Madurai and raise all his contentions that are raised in the suit filed in O.S.No.33 of 2022. The same is not objected on the side of the revision petitioner.

5. In view of the submissions made by the learned counsel for the first respondent, this Civil Revision Petition is disposed of. The first respondent is at liberty to raise all his contentions, which are made in O.S.No.33 of 2023, in O.S.No.478 of 2022 pending on the file of the learned Sixth Additional District Judge, Madurai. No costs. Consequently, connected miscellaneous petition is closed.

04.07.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
cp



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To

- 1.The Principal District Munsif,
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K.GOVINDARAJAN THILAKAVADI, J.

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