



C.R.P(MD)No.538 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **08.08.2023**

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

C.R.P(MD)No.538 of 2019

and

C.M.P(MD)No.2706 of 2019

Duraisamy (Died)

1.Sundanthiram

2.Selvamani

...Petitioners/Respondents 5 & 6
Respondents 5 & 6

Vs.

1.The Executive Engineer,
TNEB, Oddanchatram,
Dindigul District.

2.The Assistant Executive Engineer,
TNEB, Oddanchatram,
Dindigul District.

3.The Assitant Engineer,
(Town Division)
TNEB, Oddanchatram,
Dindigul District.

...Respondents 1 to 3/
Respondents 1 to 3/
Respondents 1 to 3

4.Thangaraj @ Santhana Krishnan

...4th Respondent/Petitioner/
Petitioner



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PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order made in I.A.No.213 of 2016 in O.S.No.6 of 2015 by the District Munsif Court, Oddanchatram, dated 07.02.2019.

For Petitioners : Mr.D.Venkatesh

For R1 to R3 : Mr.S.Sades Kumar

For R4 : Mr.S.Anand Chandrasekar
M/s.Sarvabhauman Associates

ORDER

This civil revision petition has been filed against the order passed by the District Munsif Court, Oddanchatram in I.A.No.213 of 2016 in O.S.No.6 of 2015, dated 07.02.2019.

2. It appears that the fourth respondent herein has filed an application under Order 23 Rule 1 of C.P.C., seeking a liberty before the Court below to file a fresh suit on the same cause of action. It was ultimately allowed on 07.02.2019 in favour of the fourth respondent herein. Against which, this civil revision petition has been filed by the petitioners herein.



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3. When the matter was taken up for hearing, the learned counsel for the fourth respondent would fairly submit that in respect of the very same issue he has already moved a writ petition in W.P(MD)No.13261 of 2019, wherein, these petitioners were also arrayed as a party to the writ petition. He would further submit that he is abandoning the right, which was granted by the trial Court on 07.02.2019 in I.A.No.213 of 2016.

4. The learned counsel for the petitioners herein would submit that by recording the above submission, this civil revision petition may be disposed of.

5. By recording the above submissions, this civil revision petition stands **disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

08.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

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- 1.The District Munsif Court,
Oddanchatram.
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.KUMARAPPAN,J.

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