



C.R.P(MD).No.1154of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P(MD).No.1154 of 2023

and

C.M.P(MD).No.5507 of 2023

1.Sylvia Vasthi Daniel

2.P.Daniel Satya Prakash

... Petitioner/1st and 2nd Defendants

Vs.

1.D.S.Meshack

... 1st Respondent/Plaintiff

2.Abu Dhakir

3.Sudhakar

... Respondents 2&3/Defendants3&4

PRAYER:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to strike off the plaint filed in O.S.No.190 of 2022 on the file of the learned Principal District Munsif, Thirumangalam and allow the Civil Revision petition as prayed for.

For petitioner : Mr.A.Mohamed Haneef

ORDER

This Civil Revision Petition has been filed by the petitioners to strike off the plaint filed in O.S.No.190 of 2022 on the file of the learned Principal District Munsif, Thirumangalam and allow the Civil Revision petition.



2.The petitioners are the defendants in O.S.No.190 of 2022. The suit has been filed by the first respondent for the following reliefs:-

“a) By granting a decree of permanent Injunction restraining the defendants, their men, servants, agents and anyone working under them or acting on their behalf from in any way interfering with Plaintiff's peaceful possession and enjoyment over the suit property otherthan by due process of law.

b) directing the defendants to pay the plaintiff the cost of this action and

c) granting such other and reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.”

3.It appears that the petitioners have already filed written statement in October 2022, copy which has also been enclosed along with the typed set of papers. Therefore, there is no merits in the present Civil Revision Petition.

4.It is open for the petitioners to press for dismissal of the suit by requesting the Court to frame the preliminary issue that the reliefs sought for by the first respondent/plaintiff in respect of the property which has been settled in favour of the petitioners by the petitioners' mother by a settlement deed dated 13.10.2017. In case, such application is filed, the Trial Court shall frame preliminary issue and dispose the same as expeditiously as possible.



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5.With the above directions, this Civil Revision Petition is dismissed.

No costs. Consequently, the connected miscellaneous petition is closed.

27.04.2023

NCC : Yes/No

Index : Yes/No

Internet:Yes/No

dss

To

1.The Principal District Munsif,
Thirumangalam.

2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

dss

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