



C.R.P(MD)No.1484 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.06.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.1484 of 2023

and

C.M.P(MD)No.7362 of 2023

Gayathri Devi

...Petitioner/2nd Defendant

Vs.

1.R.Nallammal

...1st Respondent/Plaintiff

2.AR.Krishnasamy

...2nd Respondent/1st Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to strike off the plaint in O.S.No.23 of 2023 pending on the file of the learned District Munsif Court, Theni.

For Petitioner : Mr.M.A.M.Raja

ORDER

The present Civil Revision Petition has been filed to strike off the plaint in O.S.No.23 of 2023 on the file of the District Munsif Court, Theni.



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2. The petitioner is the ex-strange wife of the second respondent. It appears that the first respondent had gifted certain properties to the second respondent some of which were settled in favour of the petitioner in a divorce proceeding between the petitioner and the second respondent.

3. Under these circumstances, the first respondent has filed a suit in O.S.No.23 of 2023 before the District Munsif Court, Theni. According to the petitioner, the respondents are colluding with each other and thus filed a suit to dilute the arrangements arrived between the petitioner and the second respondent in the matrimonial dispute in H.M.O.P.No.338 of 2019, which was filed before the Additional Family Court, Coimbatore.

4. There is no merit in the present civil revision petition. All the defences that are raised in the civil revision petition are available for being raised by the petitioner by filing a written statement in O.S.No.23 of 2023. As such, a properly instituted suit cannot be short circuited under Article 227 of the Constitution of India. The District Munsif Court, Theni shall endeavour to dispose of the suit in O.S.No.23 of 2023 as expeditiously as possible. The petitioner is also directed to co-operate with the Court.



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5. The present Civil Revision Petition stands dismissed with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

28.06.2023

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

1.The District Munsif Court,
Theni.

2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

C.SARAVANAN,J.



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