



CRP(MD)No.2465 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

CRP(MD)No.2465 of 2018
and
CMP(MD)Nos.10923, 10924 of 2018

Indesser International
Rep. by its Proprietor
S.Ramanujam

: Petitioner

Vs.

1.R.Sudalaiyandi Konar

2.S.Kuttiammal

3.S.Senthil Kumar

4.The Inspector of Police,
Tirunelveli District Crime Branch & Land Grabbing Prevention Cell,
Palayamkottai,
Tirunelveli District.

5.The District Superintendent of Police,
District Police Office,
Palayamkottai,
Kanyakumari District.

6.The District Collector,
Collector Office at Kokkirakulam,
Tirunelveli District.

: Respondents



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PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to strike off the suit in O.S.No.401 of 2018 pending on the file of the Additional District Munsif Court, Tirunelveli.

For Petitioner : Mr.N.Dilip Kumar

For Respondents : Mr.G.Gomathi Sankar

for R.1 to R.3

Mr.A.Kannan,

Additional Government Pleader

for R.4 to R.6

ORDER

This revision petition is filed by the first defendant in the suit in O.S.No.401 of 2018 pending on the file of the Additional District Munsif Court, Tirunelveli, to strike off the plaint.

2.When the matter came up for hearing today, learned Counsel appearing for the respondents 1 to 3 / plaintiffs submitted that they have committed certain mistakes in the plaint, by oversight and therefore, he requested leave of this Court to withdraw the present suit in O.S.No.401 of 2018 and to file a fresh suit by correcting the defects.



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3.Learned Counsel for the petitioner / first defendant submitted that this issue can be decided by the trial Court. The plaintiffs can very well make this submission before the trial Court and if the trial Court thought it fit that liberty can be granted to file a fresh suit, it can be granted by the trial Court itself.

4.Since it is represented by the learned Counsel for the respondents 1 to 3 / plaintiffs that certain mistakes have been committed at the time of filing of the suit and to rectify the same, they want to file a fresh suit after withdrawing the present suit, this revision petition stands disposed of, with a direction to the respondents 1 to 3 / plaintiffs to raise the above submission before the trial Court. The trial Court shall consider the same and shall take a decision, independently, on the request made by the plaintiffs to file a fresh suit. There shall be no order as to costs. Consequently, connected miscellaneous petitions stand closed.

Index : Yes / No
Internet : Yes
gk

05.01.2023



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B.PUGALENDHI, J.

gk

To

- 1.The Additional District Munsif,
Tirunelveli.
- 2.The Inspector of Police,
Tirunelveli District Crime Branch & Land Grabbing Prevention Cell,
Palayamkottai,
Tirunelveli District.
- 3.The District Superintendent of Police,
District Police Office,
Palayamkottai,
Kanyakumari District.
- 4.The District Collector,
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