



C.R.P(MD)No.2178 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

C.R.P(MD)No.2178 of 2023 and  
CMP(MD).No.10927 of 2023

Dr.V. Srinivasan

... Petitioner / Petitioner / 1<sup>st</sup> defendant

Vs.

1.Nischal Ramkumar  
rep. by his power agent Kamalanathan  
2.Ramkumar  
3.Suganthi  
4.Ramesh Babu  
5.Santhi

.. Respondents / defendants 2 to 5

PRAYER: This Civil Revision Petition is filed under Article 227 of Constitution of India against the fair and final order in I.A.No.8 of 2022 in O.S.No.52 of 2022, dated 18.10.2022 on the file of the Additional District Court, Tenkasi.

For Petitioner : Mr.R. Kadarkarai  
for Mr.A. Sivaji

For respondents : Mr.C. Jeganathan



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## **ORDER**

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This Civil Revision Petition was filed challenging the order dated 18.10.2022 made in I.A.No.8 of 2022 in O.S.No.52 of 2022, on the file of the file of the Additional District Court, Tenkasi.

2. When the matter was taken up for hearing, the learned counsel appearing for the petitioner submitted that the petitioner herein filed I.A.No.7 of 2022 before the Court below to reject the plaint. He has also filed I.A.No.8 of 2022 to take up the said I.A.No.7 of 2022 first and to decide the same. However, the Court below rejected the application in I.A.No.8 of 2022 stating that in the Interlocutory Application filed for interim injunction, counter was filed and thereafter, arguments of both parties were heard and since the matter was reserved, then, the Court below rejected the application and proceeded with. Aggrieved over the said order, the petitioner has filed the present Civil Revision Petition.

3. The learned counsel appearing for the first respondent / plaintiff would submit that the plaintiff has filed Transfer O.P.No.281 of 2022 to transfer the suit. However, the said petition was dismissed by the



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Principal District Judge, Thirunelveli. Against the said order, the first respondent has filed CRP(MD).No.2048 of 2023 before this Court. While the said Civil Revision Petition was dismissed on 21.08.2023 rejecting the said request of the petitioner, this Court directed the Court below to dispose of I.A.No.7 of 2022 within a period of one month from the date of receipt of a copy of that order. The said factum was confirmed by the petitioner as well as the respondent counsel.

4. Under these circumstances, the learned counsel appearing for the petitioner submitted that the order of the Court below passed in I.A.No.8 of 2022 may be set aside and this Court may direct the Court below to dispose of I.A.No.7 of 2022 as directed by this Court in CRP(MD).No. 2048 of 2023, dated 21.08.2023.

5. In view of the said submission, this Court is inclined to set aside the order passed in I.A.No.8 of 2022 and accordingly, the same is set aside and the Court below is directed to dispose of I.A.No.7 of 2022 within a period of one month as ordered by this Court in the order, dated 21.08.2023 in CRP(MD).No.2048 of 2023.



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6. It is made it clear that if the Court below is taking up rejection of the plaint application in I.A.No.7 of 2022 and ultimately, if it come to the conclusion that the plaint is liable to be rejected, the exercise made by the Court below to dispose of other applications would be a futile exercise. Therefore, keeping in that mind, the Court below is directed to dispose of the application in I.A.No.7 of 2022 first and dispose of the other application thereafter, if necessary.

7. With the above observation, this Civil Revision Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

28.08.2023

Index : Yes / No  
Internet : Yes / No  
trp

To

The Additional District Court, Tenkasi.



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**KRISHNAN RAMASAMY, J.,**

trp

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