



C.R.P.(MD)Nos.3141 and 3142 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)Nos.3141 and 3142 of 2023

and

C.M.P.(MD)No.16156 of 2023

Saraswathi

... Petitioner in both
petitions

Vs.

1. Balakrishnan

2. Balu Mahindran

3. Selvaraj

... Respondents in
both petitions

Common Prayer : These Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the fair and decreetal orders dated 08.08.2023 in I.A.Nos.1 and 2 of 2023 in O.S.No.20 of 2022 on the file of District Munsif cum Judicial Magistrate Court, Singampunari by allowing the civil revision petitions.

(in both petitions)

For Petitioner : Mr.K.Baalasundharam, Senior Counsel
for M/s.KBS Law Office



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COMMON ORDER

These Civil Revision Petitions are directed against the orders passed in I.A.Nos.1 of 2023 and 2 of 2023 in O.S.No.20 of 2022 dated 08.08.2023, on the file of the District Munsif cum Judicial Magistrate Court, Singampunari, dismissing the applications one for impleadment filed under Order 1 Rule 10(2) C.P.C. and the other one to reopen the case.

2. The learned Senior Counsel appearing for the revision petitioner would submit that the revision petitioner/plaintiff has filed the above suit as joint family manager, that the respondents/defendants have raised a defence questioning the *locus standi* of the revision petitioner/ plaintiff to file the suit, that the revision petitioner/plaintiff's husband was in Malaysia at the time of filing the suit and that since he has returned to India and to avoid technical objections, the above applications came to be filed for impleading her husband, but that application was ordered to be dismissed.

3. The learned Senior Counsel appearing for the revision petitioner would further submit that since the revision petitioner/plaintiff has no capacity to file the suit as joint family manager, she may be permitted to



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file an application seeking permission to withdraw the suit with liberty to file a fresh suit.

4. Recording the submissions made by the learned Senior Counsel appearing for the revision petitioner, these Civil Revision Petitions are dismissed and the revision petitioner is at liberty to file an application before the concerned Court seeking permission for withdrawing the suit in O.S.No.20 of 2022 with liberty to file a fresh suit with the same cause of action. Consequently, connected Miscellaneous Petition is closed. No costs.

12.12.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The District Munsif cum Judicial Magistrate,
Singampunari.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
C.R.P.(MD)Nos.3141 and 3142 of 2023
and
C.M.P.(MD)No.16156 of 2023

Dated : 12.12.2023