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C.R.P.Nos.222 & 223 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P.Nos.222 & 223 of 2022

Anumanthikuppam Village people rep. by

1. Chitibabu,
S/o Alliyappan

2. Durai,
S/o Desappan

3. Raja,
S/o Pandiyan

4. Mathiyazhagan,
S/o Raji

5. Kaviyaran,
S/o Rajendiran

6. Murugan,
S/o Subramani

... Petitioners in both the CRPs

vs.

Najira Begam
W/o Shajahan

..Respondent in both the CRPs

Prayer in C.R.P.No.222/2019 : Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order of the learned Additional Subordinate Judge, Tindivanam passed in I.A.No.46 of 2019 in O.S.No.22/2019 dated 06.11.2019.

Prayer in C.R.P.No.223/2019 : Civil Revision Petition filed under



Article 227 of the Constitution of India against the fair and decreetal order of the learned Additional Subordinate Judge, Tindivanam passed in O.S.No.22/2019 dated 06.11.2019.

For Petitioners
in both the CRPs : Mr.S.Kaithamalai Kumaran

For Respondent
in both the CRPs : Mr.I.Kowsar Nissar

COMMON ORDER

These civil revision petitions have been filed, one, against the order passed in I.A.No.46 of 2019 in O.S.No.22 of 2019 whereby the Court below dismissed the said Interlocutory application seeking to permit the petitioners to file the suit in representative character and another, against the order passed in the above original suit whereby the lower Court dismissed the same stating that, as I.A.46/2019 was dismissed, the suit was also dismissed in limini, as the plaintiffs have no locus standi, however, liberty was granted to the petitioners to file a fresh suit for the same cause of action, after properly following the procedures established under Order 1 Rule 8 of CPC.

2.Heard the learned counsel for the petitioners, the learned counsel appearing for the respondent and perused the materials available on record.

3. It is seen that the suit was filed in the year 2019. The learned



Judge, while dismissing the suit, had given liberty to the petitioners to file a fresh suit for the same cause of action, after following the procedure established under Order 1 Rule 8 of C.P.C. Therefore, this Court is of the view that the petitioners can file a fresh suit as directed by the Court below.

4. Therefore, the petitioners are at liberty to file a fresh suit by following the procedure established under Order 1 Rule 8 of C.P.C. as directed by the Court below. Needless to say that on filing a fresh suit, the Court below shall consider the issue on merits and in accordance with law without being influenced by the order passed in O.S.No.22 of 2019. Accordingly, the Civil Revision Petitions are disposed of. No costs.

22.03.2024

Index : Yes/No
Speaking /Non speaking order
vsi

To

The Additional Subordinate Judge,
Tindivanam



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J.NISHA BANU, J.

vsi

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