



CRP.No.108 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRP.No.108 of 2024
and CMP.No.540 of 2024

Jyothiram

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Petitioner

(Cause title accepted vide Court order
dated 22.12.2023 made in CMP.
No.28983/2023 in CRP.SR.No.151383/2023)

/vs/

- 1.Dinesh N Surana
- 2.The Principal Commissioner,
Land Administration, Ezhilagam,
Chepauk, Chennai – 600 005.
- 3.The District Collector
Collector Office Road,
Moovendar Nagar, Villupuram,
Tamil Nadu – 605 602.
- 4.The Tahsildar
Marakkanam Taluk,
marakkanam.
- 5.The Executive Officer,
Marakkanam Town Panchayat
Marakkanam.
- 6.The Director,



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DTCP, E and C, Chennai – 107.

7. The Assistant Director,
DTCP, Villupuram Region.

8. The Inspector General of Registration,
Chennai – 28.

9. The Sub-Registrar,
SRO, Marakkanam.

10. M/s. Manju Foundations Pvt. Ltd.,
Rep.by Mrs.Sindhuja
No.8 Sapthaswara Apartments,
2nd Floor, 1st Avenue, Ashok Nagar,
Chennai – 600 083.

11. Metis Developers Private Limited

12. Pedro Developers Private Limited

13. Kaleena Developers Private Limited
Respondents 11 to 13
represented by Mr.Gourav, 621-A, 6th Floor,
Devika Towers, 6, Nehru Place, New Delhi – 110 019.

14. Prakash

15. Kasturi ... Respondents

PRAYER : This civil revision petition has been filed under Article 227 of Constitution of India to set aside the Fair and Decretal order dated 11.04.2023 made in I.A.No.409 of 2022 in O.S.No.272 of 2021 on the file of the Additional Sub Court, Tindivanam.



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For Petitioner

... Mr.S.Mukunth
Senior Counsel
for Mr.M.Vishnu Prasad

ORDER

The civil revision petition has been filed against the Fair and Decretal order dated 11.04.2023 made in I.A.No.409 of 2022 in O.S.No.272 of 2021 on the file of the Additional Sub Court, Tindivanam.

2.The learned counsel appearing for the petitioner submitted that the petitioner had not given any power to the plaintiff namely Dinesh N Surana to file the suit in O.S.No.272 of 2021. Therefore, the petitioner filed an application before the trial Court under Order 23 Rule 1 CPC to withdraw the suit on the ground that one Dinesh N Surana claimed himself as power agent filed the suit on behalf of the petitioner, but inadvertently he was prayed for rejecting the plaint. The trial Court dismissed the application. But his only intention is to withdraw the suit. To that effect, he filed an affidavit before this Court and seeks to accept the affidavit and that impugned order may be set aside and permitted him to withdraw the suit in O.S.No.272 of 2021 on the file of the Additional Sub Court, Tindivanam.



3.I have considered the matter in the light of the submission made by the learned counsel appearing for the petitioner and perused the material available on record.

4.On perusal of the records, it is seen that the petitioner had not given any power to the plaintiff namely Dinesh N Surana to file the suit in O.S.No.272 of 2021. Therefore, he filed an application under Order 23 Rule 1 CPC to withdraw the suit but inadvertently he was prayed for rejecting the plaint. The trial Court dismissed the same. But his only intention is to withdraw the suit. To that effect, he filed an affidavit before this Court and seeks to accept the affidavit and that impugned order may be set aside and permitted him to withdraw the suit in O.S.No.272 of 2021 on the file of the Additional Sub Court, Tindivanam.

5.Accepting the contention of the learned counsel for the petitioner and the affidavit filed by the petitioner, the impugned order is hereby set aside and the suit in O.S.No.272 of 2021 on the file of the Additional Sub Court, Tindivanam is hereby permitted to be withdrawn and the same may be recorded by the trial Court as dismissed as withdrawn.



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Consequently, the connected miscellaneous petition is closed.

Index : Yes/No

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Internet : Yes/No

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To

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9.The Sub-Registrar,
SRO, Marakkanam.

10.The Additional Sub Court, Tindivanam.

V.SIVAGNANAM ,J.

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