



C.R.P. (PD) .No.4240 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 01.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.4240 of 2018
and C.M.P.No.23260 of 2018

1.N.Dhanalakshmi

2.Minor. N.Vignesh

3.Minor. N.Mugesh

.. Petitioners

(Minor petitioners 2 & 3 are represented
by their mother and guardian
N.Dhanalakshmi, 1st petitioner herein)

Vs.

1.E.Deivathal

2.Amsaveni

3.K.Mayilathal

4.C.Easwari

5.K.Subbaya Gounder

6.K.Thangaraj

7.K.Easwaran



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8.K.Sivakumar

9.V.Saraswathi

10.K.Rathinasamy

11.K.Thangavel @ Velusamy

12.V.Lakshmi

13.R.Easwari

14.K.Palaniammal

15.P.Subramani

16.P.Valarmathi

17.S.Kuppuraj

18.K.Mohan

19.M.Selvakumar

20.N.Palanisamy

21.V.Palanisamy

22.P.Rajathi

23.S.M.Thiyagarajan

24.K.N.Palanisamy

25.U.Deivasikamani



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26.S.Murugesan

27.M.Rajendran

.. Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike off the plaint in O.S.No.213 of 2017 on the file of the Additional District and Sessions Judge, Dharapuram, by allowing this Civil Revision Petition.

For Petitioners	: Mr.N.Ponraj
For RR 1 to 3	: Mr.S.Saravanan
For RR 4 to 14, 16 to 17 & 19 to 27	: No appearance
R15	: Died
For R18	: Mr.Guru Dhananjay

ORDER

This Civil Revision Petition has been filed to strike off the plaint in O.S.No.213 of 2017 on the file of the Additional District and Sessions Judge, Dharapuram.

2.The learned counsel for the petitioners seeks to strike off the plaint on the ground that the suit is barred by virtue of partition in the previous



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litigation in O.S.No.269 of 2006 on the file of the District Munsif Court, Dharapuram and also on the ground that the partition suit is barred by time.

3.If these pleas are open to the petitioners, they are always at liberty to move an application under Order VII Rule 11 of CPC and seek for rejection of the plaint. Being the mixed question of law and fact, I am not inclined to strike off the plaint on the ground that the suit is barred due to a previous decree. On the ground of re-litigation, leaving it open to the petitioners to move an application under Order VI Rule 16 of CPC, this revision is dismissed.

4.Accordingly, this Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

01.04.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



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V.LAKSHMINARAYANAN, J.

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To

The Additional District and Sessions Court,
Dharapuram.

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01.04.2024