



C.R.P.(MD)No.2019 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2019 of 2022

and

C.M.P.(MD)No.9242 of 2022

Benjamin

... Petitioner / Petitioner / 4th Defendant

Vs.

1.K.Thankam

2.S.Karthik

3.Revathi Krishna

... Respondents / Respondents / Plaintiffs

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 09.07.2022 passed in I.A.No.1 of 2019 in O.S.No.279 of 2018 on the file of the of learned Sub Court, Kuzhithurai.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.C.Kishore for R1 & R3

* * *



C.R.P.(MD)No.2019 of 2022

ORDER

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The fourth defendant in O.S.No.279 of 2018 on the file of the Sub Court, Kuzhithurai is the revision petitioner herein. He filed I.A.No.1 of 2019 for rejection of plaint. The plaintiffs have filed the said suit for partition. The said I.A. was dismissed vide order dated 09.07.2022. Challenging the same, the present civil revision petition came to be filed.

2.The learned counsel for the revision petitioner reiterated all the contentions set out in the memorandum of grounds of this civil revision petition. They do appear to be quite attractive on the face of it. However, I am of the view that in matter such as this when property rights are involved, it would be just and proper to have the issues adjudicated in the main suit itself. It is for this reason, I decline to interfere with the impugned order passed by the Court below.

3.Considering the overall facts and circumstances, the learned Sub Judge, Kuzhithurai is directed to dispose of O.S.No.279 of 2018 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. In other words, the suit shall be disposed of on or before the on set of summer vacation in the year 2025.



C.R.P.(MD)No.2019 of 2022

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4.The civil revision petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

17.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

The Sub Court,
Kuzhithurai.



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C.R.P.(MD)No.2019 of 2022

G.R.SWAMINATHAN, J.

ias

C.R.P.(MD)No.2019 of 2022

17.10.2024