



C.R.P. (MD).No.1890 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(MD)No.1890 of 2019

1. Palaniyandi

2. Karuppazhagi @ Karuppazhagan

3. Subramani

... Petitioners/Petitioners/
Plaintiffs

-vs-

1. K.S.Balakrishnan

2. Rajamanickam

3. Ponnammah

4. Balasubramaniam

... Respondents/Respondents/
Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and decreetal order dated 03.07.2019 passed in I.A.No.494 of 2016 in O.S.SR.No.209 of 2016, on the file of the learned District Munsif, Lalgudi.

For Petitioners : Mr.M.P.Senthil

For R2 : Mr.M.Siddharthan

For R1, R3 & R4 : No appearance



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ORDER

The present Civil Revision Petition has been filed by the plaintiffs in unnumbered suit in O.S.(SR)No.209 of 2016, on the file of the District Munsif Court, Lalgudi, challenging the dismissal of an application filed under Order II Rule 2 of C.P.C, seeking permission of the Court to reserve the right to file the suit for specific performance on a future date.

2. The revision petitioners herein as plaintiffs had filed the above suit for the relief of permanent injunction. Before the suit could be numbered, the plaintiffs have filed I.A.No.494 of 2016 under Order II Rule 2 of C.P.C seeking permission of the Court to reserve right to file the suit for specific performance in future on the ground that they are agreement holders, based upon the oral agreement of the year 1968. The trial Court has rejected the said application.

3. This Court does not find any reason to interfere in the order passed by the trial Court. However, several observations were made by the trial Court with regard to the maintainability and



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merits of the injunction suit. Those observations stand deleted and the order passed by the trial Court is confirmed. The trial Court is directed to number the suit in O.S.SR.No.209 of 2016 to proceed in accordance with law, if it is otherwise in order.

5. With the above said observation, this Civil Revision Petition stands allowed to the extent as stated above. There shall be no order as to costs.

13.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To
1. The District Munsif Court,
Lalgudi.



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