



C.R.P(MD)No.2605 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 23.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)No.2605 of 2024
and
C.M.P(MD)No.15050 of 2024

- 1.Seetha Lakshmi
- 2.Chinthamani
- 3.BalaSubramanian

... Petitioners /
Petitioners /
Plaintiff

Vs.

- 1.Sekhar
- 2.The District Collector,
District Collector Office,
Pudukottai District.
- 3.The Tahsildar,
Kulathur Taluk,
Kulathur at Keeranoor,
Tahsildar Office,
Pudukottai District.

... Respondents /
Respondents /
Defendants



C.R.P(MD)No.2605 of 2024

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records relating the fair and decreetal order in I.A.No.5 of 2024 in O.S.No.78 of 2022 passed by the Principal District Munsif, Keeranoor dated 27.08.2022 and set aside the same by allowing the Civil Revision Petition.

For Petitioners : Mr.K.P.Narayanakumar

For Respondents : Mr.G.Anto Prince for R.1

Mr.K.Balasubramani
Special Government Pleader
for R.2 & R.3

ORDER

Heard both sides.

2.The petitioners are figuring as plaintiffs in O.S.No.78 of 2022 on the file of Principal District Munsif Court, Keeranur. The petitioners filed I.A.No.5 of 2024 for withdrawl of suit with liberty to file a fresh for the same cause of action by including an additional relief of declaration. The said Interlocutory Application was dismissed by the Court below vide order dated 27.08.2024. Questioning the same, this Civil Revision Petition came to be filed.



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3.The learned counsel for the petitioners reiterated all the contentions set out in the grounds of memorandum of Civil Revision Petition.

4.The learned counsel for the first respondent points out that the petitioners want to question the sale deed executed way back in the year 1984 and that the petitioners' request is hopelessly barred by limitation. The learned counsel for the first respondent might as will be right, but then, the suit in question suffers from a formal defect. It is for this reason, I permit the petitioners to withdraw the present suit and file a fresh suit on the same cause of action. In this view of the matter, the impugned order is set aside.

5.This Civil Revision Petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

23.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

MGA

To

- 1.The Principal District Munsif,
Keeranoor.
- 2.The District Collector,
District Collector Office,
Pudukottai District.
- 3.The Tahsildar,
Kulathur Taluk,
Kulathur at Keeranoor,
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