



C.R.P.(MD)No.2672 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25.10.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2672 of 2024

Anitha R.Sivanantham

... Petitioner/Petitioner /1st Defendant

Vs.

C.Kamaraj Nadar (died)

1.N.Selvakumar Nadar

2.S.Sundaran @ Sundar Nadar

3.P.Rajasekar Nadar

4.K.Usha

... Respondents 1 to 4 / Respondents 2 to 5 /
Plaintiffs 2 to 4

5.Tirunelveli Dakshinamara Nadar Sangam,

Through its Secretary

Office at Door No.70, Salai Theru,

Sindupondurai,

Tirunelveli Junction,

Tirunelveli District.

... 5th Respondent / 6th Respondent /
2nd Defendant

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order in unnumbered I.A.No.... of 2024 in O.S.No.205 of 2022, dated 24.09.2024 on the file of the learned Principal Sub Judge, Tirunelveli.



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For Petitioner : Mr.S.Mani

ORDER

Heard the learned counsel appearing for the revision petitioner.

2. The revision petitioner is figuring as first defendant in O.S.No.205 of 2022 on the file of the Principal Sub Court, Tirunelveli. He filed IA for striking off the plaint under Section 151 of Cr.P.C. IA was dismissed vide order dated 24.09.2024. Questioning the same, this civil revision petition came to be filed.

3. The learned counsel for the petitioner pointed out that even without numbering IA, it was dismissed and that it is contrary to the decision of this Court. The proposition canvassed by the petitioner's counsel is perfectly right. But this principle of law cannot be applied in the abstract. The petitioner herein had earlier filed a petition under Order 7 Rule 11 of C.P.C in I.A.No.80 of 2024. It was dismissed on 22.03.2024. Therefore, entertaining one more IA at the instance of the petitioner may not really arise. More than anything else, the Madurai Bench had called upon the trial court to dispose of the suit itself within a time frame. In these circumstances, encouraging filing of successive IAs will not enable the court below to comply with the direction given by this



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Court. The approach adopted by the court below cannot be faulted. I am not inclined to entertain the civil revision petition. This Civil Revision Petition is dismissed. No costs.

25.10.2024

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

The Principal Sub Judge, Tirunelveli.



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G.R.SWAMINATHAN, J.

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