



WEB COPY

CRP.No.2205 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2025

**CORAM
THE HONOURABLE MR. JUSTICE P.B.BALAJI**

**CRP.No.2205 of 2025
and
CMP.No.12795 of 2025**

1.	N.Mathiammal	
2.	R.Malliga	
3.	R.Haldorai	
4.	B.R.Sevanan	
5.	R.Jothi	... Petitioners

	Vs.	
N.Raja		... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order and decretal order dated 27.02.2025 made in I.A.No.3 of 2025 in O.S.No.139 of 2024, on the file of Sub Judge, Udagamandalam and allow the civil revision petition.

For Petitioner : M/s.R.Gouri

For Respondent : Mr.K.V.Sundararajan

ORDER

The Civil Revision Petition is filed to set aside the order dated 27.02.2025 made in I.A.No.3 of 2025 in O.S.No.139 of 2024, on the file of Sub Judge, Udagamandalam.



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2. Heard, the learned Counsel on either side and perused the materials available on record.

3. Pursuant to the interim order dated 15.07.2025, the learned Counsel for the petitioner would submit that she has instructions from the plaintiffs that the plaintiffs are willing to withdraw the present suit with liberty to file a comprehensive suit.

4. Learned Counsel for the respondent states that the respondent should be permitted to put forth all contentions in the subsequent suit by way of written statement.

5. It can be seen that the revision is as against the rejection of amendment application seeking inclusion of certain reliefs in the plaint. I see no real prejudice being caused to the respondent, if liberty is granted to the plaintiffs to withdraw the suit and file a fresh comprehensive suit on all available reliefs, as on date, on the same cause of action, on which the present suit in O.S.No.139 of 2024, has been filed before the Sub Court, Udthagamandalam. It is always open to the respondent/defendant to put forth



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all contentions available to the defendant in the subsequent suit that may be instituted by the plaintiffs. However, it is made clear that in view of the liberty granted, the second suit shall not be objected on the ground of res judicata.

6. With the above liberty, the present Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

23.07.2025

Index: Yes/No
Website:yes/no
Speaking Order/Non-Speaking Order
veda

To
The Sub Judge, Udhagamandalam.



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P.B.BALAJI, J.

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