



CRP(MD). No.1239 of 2010

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 02/06/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP(MD). No.1239 of 2010
and MP No.1 of 2010**

1. Estate of B.V.Govindarajulu

2. R.Vasantha

... Petitioners

Vs

1. R.Srinivasan

2. V.R.Narasimhalu

... Respondents

PRAYER :-Civil Revision Petition is filed under Article 227 of the Constitution of India to call for the records relating to O.S.No.3 of 2010 on the file of Principal District Court, Pudukkottai and strike off the plaint.

For Petitioner : Mr.G.Muthugeethaiyan

For Respondent : No Appearance for R2
Mr.C.Sridharan, Caveator for R1



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ORDER

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This Civil Revision Petition is filed to strike off the plaint in O.S.No.3 of 2010 on the file of Principal District Court, Pudukkottai.

2. The petitioners in this petition are the defendants 4 and 7 in the suit in OS No.3 of 2010. The suit is filed for specific performance and permanent injunction. The original suit was filed against the defendants 1, 4 to 37. The other defendants have already approached this Court by filing Civil Revision Petition to struck off the plaint and the said civil revision petition was allowed by this Court vide order dated 30.03.2010 in CRP (MD) No.463 of 2010. Against the said order, the first respondent/plaintiff had filed a civil appeal before the Apex Court in Civil Appeal No.8009 of 2016 and the same is pending before the Apex Court.

3. Since the petitioners herein were abroad and they could not file the civil revision petition along with the other defendants before this Court, they have now before this Court by way of the present civil revision petition for the same relief that has been sought for in CRP(MD)



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No.463 of 2010 ie., to struck off the plaint.

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4. The learned counsel for the petitioners, while accepting that the civil appeal filed before the Apex Court is pending consideration, had pressed for the similar relief that has been granted by this Court in favour of other defendants in CRP(MD) No.463 of 2010.

5. However, the learned counsel for the respondents/plaintiffs would contend that since the Hon'ble Supreme Court has seized of the matter and the civil appeal is still pending, the finding that is to be rendered by the Apex Court would bind the parties and hence, prays for dismissal of the petition.

6. I have considered the rival submissions and perused the materials available on record.

7. It is not in dispute that the earlier civil revision petition filed by the other defendants except the present defendants was allowed by this Court vide order dated 30.03.2010, in and by which, this Court ordered



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that the plaint filed in OS No.3 of 2010 is to be struck off with regard to the revision petitioners therein. Against the said order, the plaintiffs have approached the Apex Court and the civil appeal is pending adjudication. Since the original suit was filed against the present defendants also and they were not parties to the earlier civil revision petition, as they were abroad and they could not file the civil revision petition at that point of time, the earlier order passed by this Court in the earlier civil revision petition will bind the defendants also. However, it is brought to the notice of this Court that the civil appeal is pending against the order of this Court dated 30.03.2010. Hence, the civil revision petition is closed in terms of this Court earlier order dated 30.03.2010, however, subject to the outcome of the civil appeal pending before the Apex Court. The trial Court is directed not to proceed with the suit till the disposal of the civil appeal and the order to be passed by the Apex Court will enure to the benefit of the petitioners also.



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8. With the above observation and direction, the civil revision petition is closed. No costs. Consequently connected Miscellaneous Petition is closed.

02.06.2025

NCC : Yes/No

Index : Yes/No

RR

TO

1.The Principal District Court, Pudukottai

2.VR Section,
Madurai Bench of Madras High Court, Madurai.



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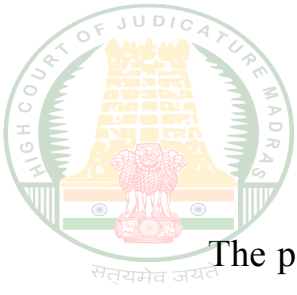
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M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) No.1239 of 2010**

Date : 02/06/2025



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The petitioners along with other defendants lost before the trial Court as well as the lower appellate Court and had also filed a second appeal filed before this Court and the very same petitioners had filed another suit in which they filed an interlocutory application under Order XXIII Rule 1 of the Code of Civil Procedure for withdrawal of the suit and the same is rejected. Challenging the same, CRP(MD) No. of ... is filed before this Court and second appeal arising out of the same property in