

CRP(MD)No.448 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**CRP(MD)No.448 of 2022
and
CMP(MD)No.1970 of 2022**

1.Rathna Devi

2.Abinesh Petitioners / Defendants 1 & 2

Vs.

1.M.Hariharan ...Respondent / Plaintiff

2.Sankar

3.Shankar

4.The Sub Registrar,
Kutcheri Road,
Kumbakonam Town.

5.The District Registrar,
Kutcheri Road,
Kumabakonam Town.

6.The Tahsildar,
Kutcheri Road, Kumbakonam Town.

7.The District Revenue Officer,
Kutcheri Road,
Kumbakonam Town.



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8.The Town Development Officer,
Arunachalam Nagar, East Expansion,
Thanjavur Town.

9.The District Collector,
AVP Azhagammal Nagar,
Thanjavur Town.

... Respondents /
Defendants

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to strike of the plaint bearing O.S No.307 of 2021 pending on the file of the Principal District Munsif Court, Kumbakonam.

For Petitioners : Mrs.Chitra Sampath, Senior Counsel
for Mr.V.Nandhakumar

For Respondents : Mr.Parthasarathy
for Mr.V.R.Shanmuganathan for R1

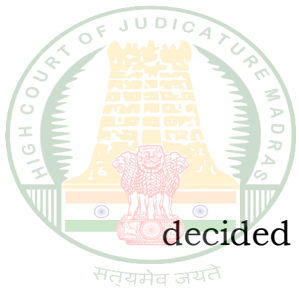
Mr.C.Senthil Murugan for R2 to R3

Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R4 to R9

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

The defendants 1 and 2 have filed this civil revision petition to strike off the suit in O.S No.307 of 2021 on the file of the Principal District Munsif, Kumbakonam. The case of the revision petitioners is that the claim projected by the plaintiff in the suit had already been



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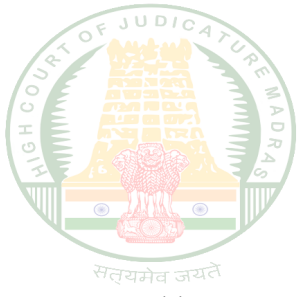
decided against him in O.S No.4 of 2015 filed by him before the II Additional District Judge, Thanjavur.

2.It is not in dispute that aggrieved by the said judgment and decree, Hariharan/the first respondent herein has filed AS(MD)No.19 of 2019 before this Court. Since the issue raised in O.S No.307 of 2021 is inextricably linked to the outcome of AS(MD)No.19 of 2019, O.S No.307 of 2021 on the file of the Principal District Munsif, Kumbakonam cannot be allowed to be proceeded with till the disposal of the appeal. The fate of the suit will depend on the outcome of the first appeal. O.S No.307 of 2021 on the file of the Principal District Munsif, Kumbakonam cannot be struck off. But it has to be stayed till the disposal of AS(MD)No.19 of 2019. The interim stay granted in CRP(MD)No.448 of 2022 is made absolute.

3.This civil revision petition is disposed of accordingly. No costs. Connected miscellaneous petition is closed.

[G.R.S., J.] [M.J.R., J.]
12.03.2025

Index : Yes / No
Internet : Yes/ No
SKM



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To:

- 1.The Principal District Munsif Court, Kumbakonam.
- 2.II Additional District Judge, Thanjavur.

Copy to:

The Record Keeper, V.R. Section,
Madurai Bench of Madras High Court, Madurai.



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and

M.JOTHIRAMAN, J.

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