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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.723 of 2025

and

C.M.P(MD)No.3843 of 2025

S.Revathi

...Petitioner/Petitioner/Plaintiff

Vs.

Krishnabai (died)

1.S.Sudhakaran

2.S.Premkumar

...Respondents/Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the Fair and Ex order dated 07.02.2025, passed in I.A.No.7 of 2025 in O.S.No.309 of 2020, on the file of Principal District Judge, Dindigul, and allow this revision petition.

For Petitioner : M/s.I.Romeo Roy Arfred

For Respondents : Mr.G.Gomathi Sankar for R1

* * * * *



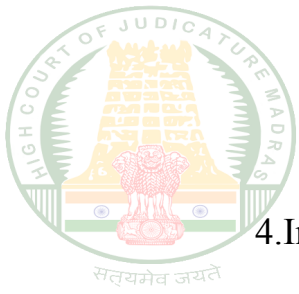
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ORDER

The plaintiff in O.S.No.309 of 2020, on the file of the Principal District Court, Dindigul, has filed the present revision petition challenging the dismissal of her application filed under Order 7 Rule 14(3) of C.P.C. for reception of additional documents.

2.A perusal of the records reveal that the suit has been filed for the relief of recovery of advance amount based upon a sale agreement, dated 17.08.2019. Pending suit, the plaintiff has filed I.A. to incorporate the prayer for the relief of specific performance. The said application was dismissed by the trial Court on 29.01.2015. Thereafter, the plaintiff has filed I.A.No.7 of 2025, for reception of documents. A perusal of the documents reveal that they are filed to support the prayer for specific performance. Therefore, the trial Court has rightly dismissed the said application.

3.It is brought to the notice of the Court that the plaintiff has filed an independent suit for the relief of specific performance in O.S.No.65 of 2025, before the Special Court for SC/ST cases, Dindigul.



4. In such circumstances, documents relating to the prayer for the specific performance, need not be received in a suit for recovery of advance amount.

Therefore, there are no merits in the revision petition.

5. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

02.04.2025

Internet: Yes/No
Index: Yes/No
RJR

To

The learned Principal District Judge,
Dindigul.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

RJR

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