



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1039 of 2021

and

C.M.P.(MD)No.6045 of 2021

Vedamuthu

...Petitioner

Vs.

1.Thankam
2.Rajamoni
3.Chandra Bose
4.Sekar
5.Sathesh

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to strike off the plaint in O.S.No.419 of 2010, on the file of the II Additional District Munsif Court, Kuzhithurai and allow the present Civil Revision Petition.

For Petitioner : Mr.K.Gokul

For Respondents 3 to 5 : Mr.K.N.Thambi



ORDER

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This petition has been filed seeking to strike off the plaint in O.S.No.419 of 2010, on the file of the II Additional District Munsif Court, Kuzhithurai and allow the present Civil Revision Petition.

2.Learned Counsel for the petitioner would submit that for the very same relief, already one Sathyanesan, son of Mariayal Nadar and others filed a suit for partition in O.S.No.1101 of 1969, as against the plaintiffs and the defendants and the said suit was allowed and the respective properties were allotted in favour of them. Aggrieved over the same, one Muthayyan, who is the 24th defendant in the suit preferred appeal in A.S.No.67 of 1975. The appeal came to be partly allowed. While that being so, the respondents 2 to 5, who are the legal heirs of some of the defendants in the original suit, have filed another suit in O.S.No.419 of 2010. Since the concluding proceedings are being opened by the respondents by filing another suit for the same cause of action, the petitioner herein seeks to strike off the plaint in O.S.No.419 of 2010.

3.This Court has perused the materials available on record.

4.This Court finds that the earlier suit is a suit for partition. However, the present suit is a suit for declaration and recovery of possession. Both the prayers



are entirely different. Hence, this Court does not find any reason to strike off the
plaint in O.S.No.419 of 2010.

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5.Accordingly, this Civil Revision Petition stands dismissed. However, liberty is granted to the petitioner to canvass all the points before the learned II Additional District Munsif Court, Kuzhithurai. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

11.06.2025

Internet:Yes/No

Index:Yes/No

MR



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To

- 1.The II Additional District Munsif Court,
Kuzhithurai.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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