



C.R.P.(MD).No.1695 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2025

CORAM:

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

C.R.P.(MD).No.1695 of 2024

and

CMP(MD)No.9880 of 2024

Karmegam

.. Petitioner

Vs.

Kalimuthu

.. Respondent

For Petitioner : Mr.J.Senthil Kumaraiah
For Respondent : Mr.D.Venkatesh

Prayer: This civil revision petition is filed under Article 227 of the Constitution of India to strike off the plaint in O.S.No.28 of 2024 on the file of the learned District Munsif Cum Judicial Magistrate, Thiruvadanai by allowing the Civil Revision Petition.

ORDER

The defendant in O.S.No.28 of 2024 on the file of the learned District Munsif Cum Judicial Magistrate, Thiruvadanai has filed the present revision petition to strike off the plaint in the said suit on the



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ground of abuse of process of Court and re-litigation.

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2. On perusal of the records reveal that respondent in the revision petition as plaintiff has filed the above said suit for the relief of declaration that the document executed by the plaintiff's father namely Jothinathan in favour of the defendant on 21.09.2005 is null and void, no other consequential prayer is sought for.

3. According to the defendant, he had filed O.S.No.87 of 2009 before the District Munsif Cum Judicial Magistrate, Thiruvadanai for the relief of declaration of title and permanent injunction, in the said suit, the present plaintiff was arrayed as second defendant. The suit was filed for the same schedule of property. The suit was decreed as prayed for by the trial court on 16.03.2011. The present plaintiff who was the second defendant in the said suit had filed A.S.No.34 of 2011 before sub-Court, Ramanathapuram. The learned Appellate Judge was pleased to confirm the judgment and decree of the trial court on 13.02.2012.

4. The said judgement and decree of the trial Court had reached finality. Now the present suit has been filed by the second defendant in O.S.No.87 of 2009, as against the plaintiff in the said suit for a declaration that the sale deed executed by his father on 21.09.2005 is null



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and void. When the title of the defendant in the present suit has already been declared in O.S.No.87 of 2009, in the presence of the present plaintiff, the present suit seeking the relief of a particular document as null and void for the suit schedule property is clearly an abuse of process of court and also a re-litigation. This Court has no hesitation to strike off the plaint.

5. With the above observations, this Civil Revision Petition stands allowed.

12.03.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

nst

To

1.The District Munsif Cum Judicial Magistrate,
Thiruvadanai.

2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

nst

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