



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.08.2025

WEB COPY

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1858 of 2025
and
C.M.P.(MD).No.10258 of 2025

1.Murugan

2.Karuppu @ Karuppaiya

3.Karuppayee

...Petitioners

Vs.

1.Mahalingam

2.Marisamy

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to struck off O.S.No.76 of 2024 on the file of the District Munsif Court, Theni, by allowing the Civil Revision Petition.

For Petitioners : Mr.M.A.M.Raja

For R-1 & R-2 : Mr.M.GandhiRajan

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ORDER

This petition has been filed to strike off the suit in O.S.No.76 of 2024 on the file of the District Munsif Court, Theni, by allowing the Civil Revision Petition.

2. The learned counsel appearing for the petitioners would submit that the respondents filed a suit in O.S. No. 76 of 2024 before the District Munsif Court, Theni, seeking bare injunction and the petitioners are the defendants in the said suit. It is submitted that earlier, the first respondent's son, namely one Suruli had filed a suit against petitioner Nos. 1 and 2 and three others in O.S. No. 38 of 2017 before the District Munsif Court, Theni, in respect of the very same property, and the said suit was dismissed for default. Against the dismissal, they filed an application to restore the suit along with a petition to condone the delay, and both were dismissed. Aggrieved by the same, they filed a Civil Revision Petition which was also dismissed. Thereafter, the defendants in the earlier case, who are father and son, filed a fresh suit for the very same relief before the trial Court in O.S. No. 76 of 2024.

3. Per contra, the learned counsel appearing for the respondents would submit that the present suit for injunction sought by the respondents relates to Survey No. 997/2, whereas the earlier suit filed by the first respondent's son, namely Suruli, relates to Survey No. 997/3 which has nothing to do with the



present survey number. It is further submitted that, if at all the present petitioners contend that the present suit property is the same as the earlier one, the same has to be established before the trial Court and not before this Court under Article 227 of the Constitution of India.

4. In view of the above submissions, this Civil Revision Petition stands dismissed. Liberty is granted to the petitioners to canvass all their points before the trial Court at the time of trial. No costs. Consequently, the connected miscellaneous petition is closed.

11.08.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1.The District Munsif Court, Theni.

2.The Section Officer,

VR Section,

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

TSG

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