



CRP(MD). No.2119 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 01/07/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.2119 of 2021
and CMP(MD) No.11246 of 2021**

1. Maruthamuthu,

2. Murugesan,

3. Vijaya

... Petitioners

Vs

Saravanan

... Respondent

PRAYER :-Civil Revision petition filed Under Article 227 of the Constitution of India, to strike down the plaint in O.S. No.171 of 2019 pending on the file of the District Munsif, Thuraiyur.

For Petitioners : Mr.R.Balakrishnan
For Respondent : Mr.R.Gowrishankar

ORDER

The Civil Revision Petition is filed to strike off the plaint in OS No.171 of 2019 on the file of the District Munsif, Thuraiyur.



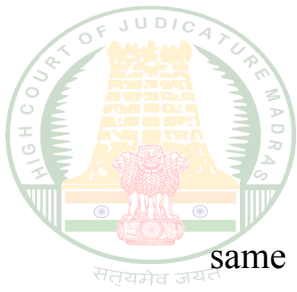
CRP(MD). No.2119 of 2021

2. The learned counsel for the petitioners would submit that first petitioner is the father and second petitioner is the brother of the respondent herein respectively and third petitioner is the wife of the 2nd petitioner and they filed the revision petition challenging the suit in OS No.171/2019 on the ground that the very same respondent filed the suit in OS No.227/2006 and the same was dismissed for default on 10.12.2012 and thereafter, the above suit is filed with the very same prayer for the very same property, which is a clear case of res judicata and on the sole ground, prays interference.

3. The learned counsel for the respondent on the other hand would submit that already the respondent has taken steps to restore the earlier suit and in view of the above, prays for appropriate direction.

4. I have considered the rival submissions and perused the materials available on record.

5. Considering the facts and circumstances of the case and considering the fact that earlier suit filed by the respondent for the very



CRP(MD). No.2119 of 2021

same prayer and for the very same property was dismissed for default as early as on 10.12.2012 and the respondent is taking steps to restore the earlier suit, without restoring the earlier suit, filing another suit is barred by *res judicata* and hence, the Civil Revision Petition is allowed and the plaint in OS No.171/2019 on the file of the District Munsif, Thuraiyur, is ordered to be struck off and liberty is granted to the respondent to work out his remedy in the manner known to law. No costs. Consequently connected Miscellaneous Petition is closed.

01.07.2025

NCC : Yes/No

Index : Yes/No

RR

TO

1.The District Munsif, Thuraiyur.

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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CRP(MD). No.2119 of 2021

M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) (NPD) No.2119 of 2021**

Date : 01/07/2025