



CRP(MD). No.3195 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 07/11/2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

CRP(MD). No.3195 of 2025
and
CMP(MD)No.17672 of 2025

1.Malaichamy

2.Malarkodi

3.Prema

... Petitioners / Defendants

Vs

1.Govindaraj

... 1st Respondent / Plaintiff

2.Balamurugan

... 2nd Respondent / 4th Defendant

PRAYER :-

Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the Fair and executable Decreetal order dated 14.02.2024 passed in the application in I.A.No.44 of 2020 in O.S.No.18 of 2019 on the file of the Additional District Court, Paramakudi and allow the same.

For Petitioners : Mr. J.Barathan
Advocate.

For Respondents : Mr. R.Paranjothi



WEB COPY



CRP(MD). No.3195 of 2025

ORDER

This Civil Revision Petition is filed to set aside the Fair and executable Decretal order dated 14.02.2024 passed in the application in I.A.No.44 of 2020 in O.S.No.18 of 2019 on the file of the Additional District Court, Paramakudi.

2. The challenge in this Civil Revision Petition is to an application filed under Order 7 Rule 11 read with Order 2 Rule 2 of CPC. It is the claim of the defendants / petitioners that the plaintiff had earlier filed a suit and therefore, the present suit would be under Order 2 Rule 2 of CPC.

3. The earlier suit filed by the respondent had been dismissed as withdrawn with liberty to file a fresh suit on the same cause of action. When such liberty is granted, there can be no application under Order 2 Rule 2 of CPC. Hence, this Court does not find any infirmity in the order impugned herein.



CRP(MD). No.3195 of 2025

WEB COPY

4. Accordingly, this Civil Revision petition dismissed. No costs.

Consequently, connected miscellaneous petition stands closed.

07.11.2025

NCC : yes/ no

Index : yes / no

Internet : yes / no

pnn

To

1.The Additional District Court, Paramakudi.

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



WEB COPY



CRP(MD). No.3195 of 2025

K.KUMARESH BABU, J

pnn

ORDER
IN
CRP(MD). No.3195 of 2025
and
CMP(MD)No.17672 of 2025

Date : 07/11/2025