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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 6926 of 2026
and CMP No. 29773 of 2026

CNR: {HCMA012141442026}

Case QR

Seenu
S/o.Ramalingam,
D No.12,
6th Cross Street, Bharathidasan Nagar,
Mudhaliarpet,
Puducherry.

..Petitioner(s)

Vs

1. Kannan
   S/o.late Ramamoorthi,
   No.22,
   Navasakthi Nagar,
   3rd Cross Street,
   Govindapalayam,
   Puducherry.

2. Senthil
   S/o.late Ramamoorthi,
   No.22,
   Navasakthi Nagar,
   3rd Cross Street,
   Govindapalayam,
   Puducherry.

3. Uma
   D/o.late Ramamoorthi,
   No.22,
   Navasakthi Nagar,
   3rd Cross Street,
   Govindapalayam,
   Puducherry.

4. Priya
   D/o.late Ramamoorthi,

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No.22,
Navasakthi Nagar,
3rd Cross Street,
Govindapalayam,
Puducherry.

5. Amutha
W/o.late Ramamoorthi,
No.22,
Navasakthi Nagar,
3rd Cross Street,
Govindapalayam,
Puducherry.

6. Lakshmi
D/o.late Ramamoorthi,
No.22,
Navasakthi Nagar,
3rd Cross Street,
Govindapalayam,
Puducherry.

..Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records pertaining the order passed in l.A.No.145 of 2026 in O.S.No. 508 of 2019 dated 10.07.2026 by the Additional Subordinate Judge-1, Cuddalore and set aside the same

For Petitioner(s): Mr.K.Gandhi Kumar

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India challenging the order dated 10.07.2026 passed in l.A.No.145 of 2026 in O.S.No. 508 of 2019 on the file of Additional Subordinate Judge-1, Cuddalore, wherein the application filed by the petitioner/plaintiff under Order XXIII Rule 1(3) of C.P.C., seeking for

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permission to withdraw the suit with liberty to file a fresh suit on the same cause of action, came to be dismissed by the Court below.

2.Heard the learned counsel for the petitioner and carefully perused the materials available on record and this Court also carefully went through the order passed by the Court below.

3.The petitioner is the plaintiff, who filed the suit in O.S.No.508 of 2019 seeking for the relief of declaration of title and for permanent injunction. The suit was at the stage of trial and witnesses had been examined on the side of the defendants. At that stage, documents were marked to the effect that the Sale Deed executed in favour of the plaintiff was cancelled by the District Registrar through proceedings under Section 77-A of the Registration Act. Therefore, the petitioner/plaintiff wanted to withdraw the present suit with a liberty to file a fresh suit on the same cause of action, in order to challenge the order passed by the District Registrar by impleading the District Registrar also as a party to the proceedings.

4.The Court below dismissed this application on the ground that requirements under Order XXIII Rule 1(3) of C.P.C., were not satisfied. Aggrieved by the same, the present Civil Revision Petition has been filed before this Court.

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5.In the considered view of this Court, the only ground raised on the side of the petitioner is that the Sale Deed executed in favour of the petitioner/plaintiff by the 6th defendant was unilaterally cancelled by the District Registrar under Section 77-A of the Registration Act. If that is so, the petitioner will have to challenge those proceedings, since such power exercised by the District Registrar in this regard has already been held to be unconstitutional by this Court. However, that cannot be a ground for withdrawing the present suit with liberty to file a fresh suit, since the reason assigned does not satisfy the requirement under Order XXIII Rule 1(3) of C.P.C. In view of the same, the order passed by the Court below does not warrant interference by this Court and the same is hereby sustained.

6.In the result, this Civil Revision Petition stands dismissed. No Costs. Consequently, the connected miscellaneous petition is closed.

03-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
SSR

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To

The Additional Subordinate Judge-1, Cuddalore.

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N.ANAND VENKATESH, J.

SSR

CRP No. 6926 of 2026

03-11-2026

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