



C.R.P.No.21 of 2026

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED :07.01.2026**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**C.R.P.No.21 of 2026**  
**and CMP.No.36 of 2026**

1.Pappathi  
Kumar (died)  
2.Chandran  
3.Sumathi  
4.Jeevitha  
5.Naveenatha Krishnan  
6.Prasanth  
7.Indumathi

... Petitioners

vs.

O.S.Dhilip

... Respondent

**PRAYER:** Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 03.09.2025 passed by the I Additional District Munsiff, Salem in I.A.No.4 of 2025 in O.S.No.270 of 2010.

For Petitioner : Mr.L.Mouli

For Respondent :Mr.M.Elango



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## **ORDER**

The Civil Revision Petition is filed challenging the order passed by the trial Court, dismissing the application filed by the petitioner seeking permission to withdraw the suit with liberty to file a fresh suit on the same cause of action.

2. It is settled law, the liberty can be granted to the plaintiff to withdraw the suit and file a fresh suit based on the same cause of action only in case of any formal defect in the plaint or any other sufficient grounds. In the affidavit filed in support of petition seeking permission to withdraw the suit with liberty, the petitioners have not stated any reason or formal defect in the plaint so as to enable them to withdraw the suit. The petitioners have not given any sufficient reason for granting liberty to them to file fresh suit based on the same cause of action. In the affidavit it was stated that the petitioners were advised that proper parties were not added and proper prayers were not included in the plaint and hence unless the suit is withdrawn by them with a liberty to file a fresh suit on the same cause of action, they could not succeed.



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3. The said allegation is vague one. The petitioners have not explained who are all proper parties to be impleaded and how they are necessary party to the suit. Further, the petitioners have not explained what is the proper prayer to be included in the plaint. In these circumstances, based on the vague allegation, no liberty can be granted to the petitioners to file a fresh suit on the same cause of action and the trial Court rightly dismissed the application. I do not find any error in the impugned order. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**07.01.2026**

Index : Yes / No  
Speaking order : Yes / No  
Neutral Citation : Yes / No  
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To

The I Additional District Munsiff,  
Salem.



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**S.SOUNTHAR, J.**

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