



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-04-2026

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 2869 of 2026
and CMP.No.11699 of 2026**

N.Chidambaram (Deceased)

1. N. Murugesan

S/o. Natesa Naicker, No.32/44, Pallatheru,
Akraharam, Korattur, Chennai 076.

N.Chidambaram (Deceased) and another

2. N. Murali

S/o. Natesa Naicker, 36/37. Pon Natesan Street,
Annai Nagar, Korattur, Chennai 076.

Petitioner(s)

Vs

1. V. Damodaran

S/o. Vedachalam, O.No.75, N.No.17, Pallaththeru,
Korattur, Chennai 076.

2.The Sub Registrar

Villivakkam Sub Registrar Office, Korattur, Chennai 080.

3.S. Abirami

W/o. Sezhian, No.91, Gandhi Main Road, Oragadam,
Ambattur, Chennai 053.

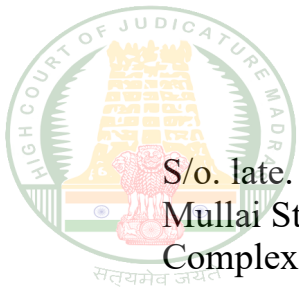
4.G. Santhakumari

W/o. Gopalan, No.2-137, Fourth Colony, Sannamangalam,
Nagai Taluk, Panagudi, Nagapattinam 611002

5.C. Sathasivam

S/o. late. N. Chidambaram, No.18, O.No.114, Thanthai
Periyar Nagar, Ayanavaram, Chennai 3.

6.C. Dharani Rajan



S/o. late. Chidambaram, No.8, Rupesh Homes A Blcok,
Mullai Street, Annanur,. Sri Sakthi nagar, Railway Carshed
Complex, Thiruvallur 600 109.

7.Valarmathi

W/o. Albert, No.54/19, Elango Nagar, Kumbakonam,
Thanjavur Dt.

Respondent(s)

PRAYER

To strike off the plaint in OS No.43/2020 on the file of the learned District Munsif Ambattur, as illegal sheer abuse of process of law., barred by limitation, vexatious and pass such further or other orders as this Honble Court.

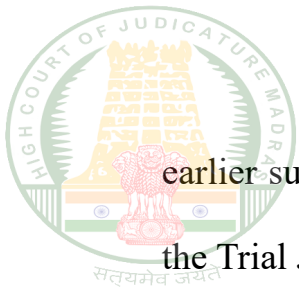
For Petitioner(s): MR.R.SINGGARAVELAN
SENIOR COUNSEL FOR
MS.Brindha Parthasarathy

For Respondent(s):

ORDER

Aggrieved over the suit filed by the 1st respondent/plaintiff in O.S.No.43 of 2020, the defendants 2 and 3 filed this civil revision petition by invoking Article 227 of Constitution of India.

2. The revision petitioners/defendants 2 and 3 submits that the suit is sheer abuse of process of law when the respondent/wife has already filed O.S.No.185 of 2011 for the same cause of action and the said suit was dismissed for default on 13.12.2017. Thereafter, without restoring the suit, in the year 2020, nearly 3 years later, husband has filed suit in O.S.No.43 of 2020 for the same cause of action which is clearly an abuse of process of law, when the

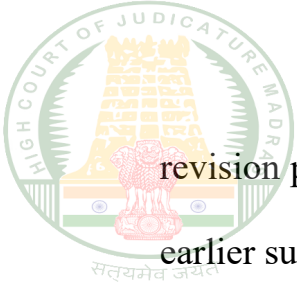


earlier suit was dismissed for default on 13.12.2017. While dismissing the suit, the Trial Judge has observed as follows:-

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“ Suit for Permanent Injunction restraining the defendant from interfering with the plaintiff’s peaceful possession and enjoyment of the suit property and for costs. Plaintiff called absent. No representation for her. Defendants counsel reported cost not paid. Call at 12.30 p.m. Again plaintiff called absent. No representation for her at 12.30 p.m. Defendants counsel present. Cost not paid. Called absent at 12.30 p.m. Again plaintiff called absent. No representation for her at 12.30 p.m. Defendants counsel present. Cost status not yet filed. Case is of the year 2011 and it is pending for trial from 28.01.2013. Till date even after an expiry of nearly five years plaintiff failed to turn up before this court to give her evidence which shows her intention to delay the proceedings in this matter. Hence considering the age of the suit, in view of the nil interest shown by the plaintiff and also, in the interest of justice this suit is hereby dismissed for default. “

3. As per the observation made by the trial court, while dismissing the earlier suit, the plaintiff in the suit viz., the wife of the present plaintiff in O.S.No.43 of 2020 was not present even after an expiry of nearly five years which shows that the suit was dismissed for default; thereafter, the 1st respondent herein/plaintiff (husband of the plaintiff in O.S.No.185/2011) has come forward with the present suit as there is new cause of action and the



revision petitioners herein are the defendants who are also the defendants in the earlier suit.

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4. Admit. Notice.

5. There shall be an order of ad interim stay in respect of the proceedings in O.S.No.43 of 2020 on the file of learned District Munsif, Ambattur, pending disposal of this Civil Revision Petition.

6. Post on 16.07.2026.

30-04-2026

nvsri

To
The learned District Munsif, Ambattur.



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CRP No. 2869 of 2026



T.V.THAMILSELVI J.

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