

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Eleventh day of May Two Thousand and Twenty Three

PRESENT

WEB COPY

The Hon`ble Mrs.Justice S.SRIMATHY

CRP(MD) No.1261 of 2023
and
CMP(MD) No.6206 of 2023

THE SECRETARY
CSI SCHOOL,
THIRPATHUR ROAD,
DEVAKOTTAI,
SIVAGANGAI DISTRICT.

... PETITIONER/1ST DEFENDANT

Vs

1 CHINNADURAI

... 1ST RESPONDENT/PLAINTIFF

2 THE STAT OF TAMIL NADU
REPRESENTED BY ITS DISTRICT COLLECTOR,
SIVAGANGAI, SIVAGANGAI DISTRICT.

3 THE REVENUE DIVISIONAL OFFICER,
DEVAKOTTAI, RAMNAGAR, SIVAGANGAI DISTRICT.

4 THE TAHSILDAR,
DEVAKOTTAI TALUK, RAMNAGAR POST,
SIVAGANGAI DISTRICT.

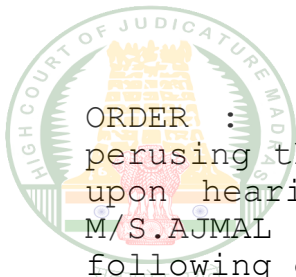
5 THE VILLAGE ADMINISTRATIVE OFFICER,
SATHIKOTTAI GROUP AND VILLAGE,
DEVAKOTTAI TALUK,
RAMNAGAR POST,
SIVAGANGAI DISTRICT.

... RESPONDENTS/DEFENDANT NO.2 TO 5

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to allow the civil revision petition and call for the records relating to the suit in O.S.No.39 of 2023 on the file of District Munsif court, Devakottai and strike off the same as illegal and not maintainable.

Prayer in CMP(MD). 6206/ 2023 :

To grant an Ad-interim stay of all further proceedings in O.S.No.39 of 2023 on the file of District Munsif Court, Devakottai, pending disposal of the above civil revision petition.



ORDER : This petition coming up for orders on this day, on perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.AJMAL KHAN, Senior Counsel for M/S.AJMAL ASSOCIATES for the petitioner, the court made the following order:-

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This Civil Revision Petition has been filed to strike off the plaint in O.S.No.39 of 202 pending on the file of the District Munsif Court, Devakottai.

2. The contention of the petitioner is that the suit in O.S.No.39 of 2023 on the file of the District Munsif Court, Devakottai ought not to have been numbered, because there is no cause of action and the two wills, which the plaintiff is relying on are not specifying the properties bequeathed under the wills.

3. On perusal of the description of the properties under the two wills, it is seen that absolutely there is no description of any properties. Therefore, this Court is inclined to issue an order of interim stay. Accordingly, there shall be an order of interim stay for a period of eight weeks.

4. Notice to the respondents returnable in eight weeks. Private notice is also permitted.

sd/-

11/05/2023

/ TRUE COPY /

/05/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

THE DISTRICT MUNSIF COURT,
DEVAKOTTAI.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-7358[I] dated 12/05/2023)

ORDER

IN

CRP(MD) No.1261 of 2023

and

CMP(MD) No.6206 of 2023

Date :11/05/2023

RS/VR/SAR-2 (17.05.2023) 2P 3C

<https://www.mhc.tn.gov.in/judis>