

CRP(MD). No. 3256 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : **06/11/2025**

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

**CRP(MD). No.3256of 2025
and
CMP(MD).No.17948 of 2025**

Vasanthi

... Petitioner

Vs

M/s.Sterling Holiday Resorts Limited
Represented by its Deputy Legal Manager
Registered Office at
154, Eldams Road
Teynampet
Chennai 18.

... Respondent

PRAYER in CRP(MD).No.3256 of 2025:-

Civil Revision Petition filed under Article 227 of The Constitution of India to allow the civil revision petition by setting aside the fair and decreetal order passed in IA No.3 of 2025 in OS No.155 of 1993, on the file of the District Munsif cum Judicial Magistrate No.1, Kodaikanal dated 22.10.2025.

PRAYER in CMP(MD).No.17948 of 2025:-

To Stay all further proceedings in the suit in OS No.155 of 1993, on the file of the District Munsif cum Judicial Magistrate No.1, Kodaikanal pending disposal of the civil revision petition and thus render justice.



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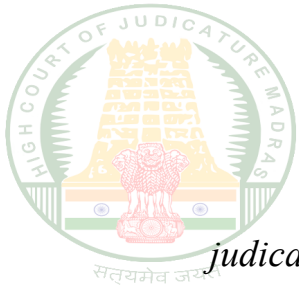
CRP(MD), No. 3256 of 2025

For Petitioner : Mr.V.S.Kishok Kumar

Advocate.

ORDER

By an order in I.A.No.59 of 2022 in O.S.No.155 of 1993 was allowed under order VIII Rule 9 by filing her additional written statement, wherein, the petitioner had raised plea of *res judicata*. The said order permitting the additional written statement came to be challenged before this Court in CRP(MD).No.2586 of 2022 and the same was dismissed upholding the receipt of additional written statement. Thereafter, the petitioner seems to have taken out an application framing additional issues with regard to the same by invoking the powers of the Court under Order XIV Rule 5 and the same came to be dismissed in the order impugned herein. Order XIV Rule 3 envisages that allegations made in the pleadings filed in the suit, as well as any answers to interrogatories in the suit could be relevant material for framing issues. When the plea of *res judicata* had been raised in the additional written statement, refusal to frame the said additional issues by the court below, this court prima facie in the view that the court is irregular and affecting the interest of the defendants who had particularly raised the plea of *res*



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judicate. This court also conscious that in the order made in the CRP(MD).No.2586 of 2022, this Court had directed that the suit may be disposed of within a period three months, considering the fact that the relevant issues as framed additional written statement has not been framed. There shall an order of interim stay of all further proceedings in O.S.No.155 of 1993.

2. Issue notice to the respondents returnable by **15.12.2025**. Private notice is also permitted.

3. Post on **15.12.2025**.

06.11.2025

gvn

To:

The District Munsif cum Judicial Magistrate No.1,
Kodaikanal



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K.KUMARESH BABU, J.

gvn

ORDER
IN
CRP(MD). No.3256 of 2025

Date : **06/11/2025**