



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 1809 of 2026

M.Arunvelkumar
S/o. Marimuthu
No 69, 2nd Main Road
VGP Layout 3rd part
Palavakkam
Chennai 41

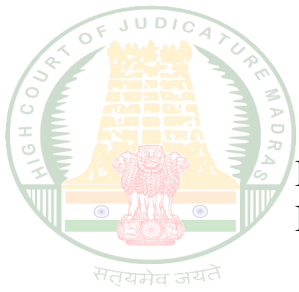
..Petitioner(s)

Vs

1. S.Arun Kumar
S/o. Shanmugam
No. 1/8, Kambar Street
P.R.S. Nagar, Palavakkam
Thiruvanmiyur
Chennai 41
Also resi at
No. 1/189, VGP Layout
Palavakkam
Chennai 600 041.
2. V.Saravanan
S/o. Vadivel
No. 4/348, Pariya Colony
Nathambakkam
Chennai 600 069.

..Respondent(s)

Civil Revision Petition filed under Article 226 of Constitution of India praying to strike off the plaint in O.S No. 16/2026, on the file of Honble District Munsif cum Judicial Magistrate at Sholinganallur by allowing the CRP.



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For Petitioner(s):
For Respondent(s):

Mr.R.Ramesh
Mr.V.Sundarraman
For R1

ORDER

This Civil Revision Petition has been filed under Article 227 of Constitution of India seeking to strike off the plaint in O.S.No.16 of 2026, on the file of the District Munsif cum Judicial Magistrate, Sholinganalluar .

2. The petitioner is the 2nd defendant in the suit in O.S.No.16 of 2026. The 1st respondent is the plaintiff and the 2nd respondent is the 1st defendant in the said suit. According to the petitioner the suit filed by the 1st respondent is an abuse of process of law. Under those circumstances, the petitioner has filed this Civil Revision Petition under Article 227 of Constitution of India seeking to strike off the plaint in O.S.No.16 of 2026 pending on the file of District Munsif cum Judicial Magistrate, Sholinganallur. The law is now well settled by the recent decision of the Hon'ble Supreme Court in the case of ***Mr.P.Suresh Vs. P.Kalaivani and others*** reported in **2026 3 CTC 84** that the High Court while exercising its powers under Article 227 of Constitution of India does not have the power to strike off the entire plaint and can only strike off a portions of the pleadings in the plaint, if it is found that the suit is an abuse of process of law. The Hon'ble Supreme Court in the aforesaid decision has held that when

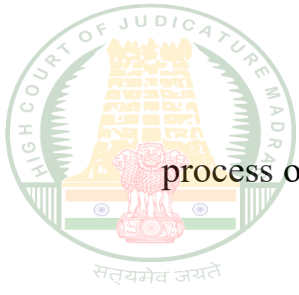


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there is an alternative remedy available to the petitioner under the Civil Procedure Code for rejection of plaint, the petitioner cannot approach the High Court by filing a petition under Article 227 of Constitution of India to strike down the plaint. In the case on hand, the petitioner seeks to strike off the plaint in O.S.No.16 of 2026, on the file of the District Munsif, Judicial Magistrate at Sholinganallur through this Civil Revision Petition.

3. In view of the settled position of law as laid down by the Hon'ble Supreme Court in its recent decision referred to supra, the relief sought for by the petitioner in this Civil Revision Petition filed under Article 227 of Constitution of India cannot be granted by this Court as the only remedy available to the petitioner is to approach the Trial Court by filing an application under Order VII Rule 11 CPC and establish that the suit filed by the 1st respondent/plaintiff is an abuse of process of law.

4. For the foregoing reasons, since this Civil Revision Petition is not maintainable under Article 227 of Constitution of India, this Civil Revision Petition is disposed of, by granting liberty to the petitioner to approach the Trial Court and file an application under Order VII Rule 11 CPC and establish before the Trial Court that the suit filed by the 1st respondent/plaintiff is an abuse of



process of law. Consequently, connected Miscellaneous Petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The District Munsif cum Judicial Magistrate,
Sholinganallur.



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ABDUL QUDDHOSE, J.

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