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C.R.P.(PD) No.4592 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2026

Coram

The Honourable **Mr.Justice Abdul Quddhose**

C.R.P.(PD)No.4592 of 2023

&

C.M.P.No.27451 of 2023

A.Shanmugasundaram,I.A.S.

..Petitioner

Vs.

Senji Venkatesan @ M.Venkatesan

..Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India to strike off the plaint in O.S.No.105 of 2022 on the file of the Principal District Judge, Vellore, Vellore District.

For Petitioner : Mr.A.V.Raja

For Respondent : No appearance

This Civil Revision Petition is filed seeking to strike off the plaint in O.S.No.105 of 2022 pending on the file of the Principal District Judge, Vellore, Vellore District.

2. According to the petitioner, the suit filed in O.S.No.105 of 2022 on the file of the Principal District Judge, Vellore, Vellore District is an



C.R.P.(PD) No.4592 of 2023

abuse of process of law on the ground that this Civil Revision Petition has been filed under Article 227 of the Constitution of India.

3. The law is now well-settled in a recent decision rendered by the Hon'ble Supreme Court in the case of **P.Suresh Vs. D.Kalaivani and others** reported in **2026 (2) CTC 84** that a party cannot file a Petition under Article 227 of the Constitution of India seeking to strike off the plaint in its entirety when there is an alternate remedy available to him/her to file an application under Order 7 Rule 11 of CPC before the Trial Court seeking for rejection of the plaint.

4. Admittedly, the relief that is sought for in this Civil Revision Petition filed under Article 227 of the Constitutions of India can very well be sought for by the petitioner before the Trial Court by filing an application under Order 7 Rule 11 of CPC seeking for the rejection of the plaint in O.S.No.105 of 2022.

5. The learned counsel appearing for the petitioner also fairly concedes the said fact.



C.R.P.(PD) No.4592 of 2023

WEB COPY

6. In the aforesaid decision rendered by the Hon'ble Supreme Court in the case of **P.Suresh Vs. D.Kalaivani and others** reported in **2026 (2) CTC 84** referred to supra, it is also made clear by the Hon'ble Supreme Court that in a Petition filed under Article 227 of the Constitution of India, Court can strike off only a portion of the pleadings and not the entire plaint.

7. For the foregoing reasons, this Civil Revision Petition is disposed of by granting liberty to the petitioner to file an application under Order 7 Rule 11 of CPC before the Trial Court seeking for rejection of the plaint filed in O.S.No.105 of 2022 on the file of the Principal District Judge, Vellore, Vellore District. As and when such an application is filed, the Trial Court shall dispose of the same as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petition is closed.

22.07.2026

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Index : yes/no
Neutral Citation : yes/no
To
The Principal District Judge,
Vellore, Vellore District.

3/4



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C.R.P.(PD) No.4592 of 2023

Abdul Quddhose,J.,

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C.R.P.(PD)No.4592 of 2023

22.07.2026