

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **09.09.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.2747 of 2016 and
CMP.No.14100 of 2016

Radhakrishnan

...Petitioner

Vs

Kamsala

...Respondent

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to struck off the plaint in O.S.No.168 of 2016 pending on the file of Subordinate Judge, Virudhachalam.

For Petitioner : Mr.R.Nalliyappan

ORDER

The petitioner filed an application to strike off the plaint in O.S.No.168 of 2016 on the file of Subordinate Court, Virudhachalam, on the ground that the suit is barred by limitation.

2. The respondent filed the suit in O.S.No.168 of 2016 before the Subordinate Court, Virudhachalam on the strength of an agreement stated to have been executed by the petitioner with respect to the suit property.

3. The petitioner has come up with this civil revision petition on the ground that even as per the plaint, the prayer is barred by limitation and as such, the learned Trial Judge was not correct in entertaining the suit.

4. The petitioner is having a clear alternative remedy by approaching the Trial Court under Order 7 Rule 11 of the Code of Civil Procedure. The petitioner without exhausting the remedy under the statute rushed to this Court with this petition under Article 227 of the Constitution.

5. When there is a clear alternative remedy available to the petitioner, he should approach the Trial Court at the first instance before coming to this Court for relief. I am therefore of the view that the petitioner should approach the Trial Court for appropriate relief.

6. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

09.09.2016

svki/vsi2

To
The Subordinate Judge, Virudhachalam.

K.K.SASIDHARAN,J.

(svki)

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