

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2017

CORAM

THE HON'BLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP.PD.No.4037 of 2017
and CMP.No.18877 of 2017

S.Aravind

..Petitioner

Vs.

1. K.Ravi
2. R.Sathish Kumar
3. Kaliasamma @ Saraswathi
4. Pankajam
5. K.V.Selvaraj

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India to struck off the plaint in OS.No.1184 of 2017 pending on the file of the District Munsif, Coimbatore.

For petitioner : Mr.S.Venkatesh

ORDER:

According to the petitioner, the respondents herein has filed a suit in O.S.1184 of 2017 on the file of the learned District

Munsif, Coimbatore. According to the petitioner, the aforesaid suit filed by the respondents is nothing but abuse the process of court and earlier litigation clearly proves that the respondents have created documents and impersonated the signature of the petitioner. Further, the revenue records also stands in the name of the revision petitioner. The only intention of the respondents is to extract money from the petitioner. Therefore, the petitioner has filed the present Civil Revision Petition to struck off plaint in OS.No.1184 of 2017 pending before the District Munsif Court, Coimbatore.

2. The learned counsel for the petitioner would submit that the conduct of the respondents would clearly shows as abuse the process of court. Therefore, the present suit deserves to be interfered by this Court and hence, the petitioner has requested to struck off the plaint at the threshold stage.

3. By considering the facts and circumstances of the case, at this stage, this court cannot entertain the Civil Revision Petition. However, there is a remedy under provisions of the Civil Procedure Code, when there is abuse of process of court, the petitioner has the right to file an appropriate application under the

provisions of the Civil Procedure Code.

4. In view of the above, Prima facie case is not made out to entertain the Civil Revision Petition. Therefore, the Civil Revision Petition is dismissed with liberty to the petitioner to file an appropriate application under the provisions of the Civil Procedure Code, if so advised. If the aforesaid application is filed, the same shall be considered in accordance with law. Consequently, the connected miscellaneous petition is closed. No costs.

08.11.2017

Speaking/Non-speaking order

Index : Yes/No

Internet: Yes/No

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D.KRISHNAKUMAR. J,

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To

The District Munsif,
Coimbatore.



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