

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

C.R.P. (PD) No.4130 of 2017

and

C.M.P.No.19362 of 2017

S.Balamurugan

.. Petitioner

Vs

- 1.S.Nalina
2. Dharuma Gounder
3. Annamalai Gounder
4. K.Shankar

5. The Collector,
Vellore District,
Office at Collectorate, Sathuvachari,
Vellore Taluk and Vellore District.

6. The Revenue Divisional Officer,
Office at Collectorate, Sathuvachari,
Vellore Taluk and Vellore District.

7. The Tahsildar,
Katpadi Taluk,
Vellore District.

8. The Village Administrative Officer,
Ammundi Village, Katpadi Taluk,
Vellore District.

9. The Executive Officer,
Ammundi Village, Katpadi Taluk,
Vellore District.

10. The Junior Engineer (O & M) TNEB,
Ammundi Village, Katpadi Taluk,
Vellore District.

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to strike off the plaint filed by the 1st respondent/ plaintiff in O.S.No.63 of 2017 on the file of the I Additional District Court, Vellore.

For Petitioner : Mr.M.Baskar

ORDER

This revision petition filed to strike off the plaint filed by the 1st respondent/ plaintiff in O.S.No.63 of 2017 on the file of the I Additional District Court, Vellore.

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2. The 1st respondent herein filed a suit in O.S. No.63 of 2017 before the 1st Additional District Judge, Vellore, seeking for permanent injunction and to declare the sale deed dated 15.12.2010 as null and void. In the aforesaid suit, summon was served and the petitioner entered appearance before the trial court. According to the

petitioner, since the prayer in the suit is to declare the sale deed dated 15.12.2010 as null and void, the suit is barred by limitation. As the suit is vexatious and barred by limitation, the petitioner has filed this revision petition seeking the aforesaid prayer.

3. As per Order VII Rule 11 of Code of Civil Procedure, there is provision to file an application to reject the plaint. Admittedly, the petitioner without invoking the said provision, has filed the present civil revision petition. The same was fairly conceded by the learned counsel for the petitioner. However, sought permission of this Court to file the application before the appropriate authority.

4. Therefore, without expressing any opinion on the merits of the case, this Court is inclined to dismiss the Civil Revision Petition, with liberty to the petitioner to file an application before the court below, if so advised. On receipt of such application, the court below shall consider the same and pass orders, as expeditiously as possible.

5. The Civil Revision Petition is dismissed, with the above direction. Consequently, the connect Miscellaneous Petition is closed. No costs.

27.11.2017

Index : Yes/ No

[Issue order copy within one week]

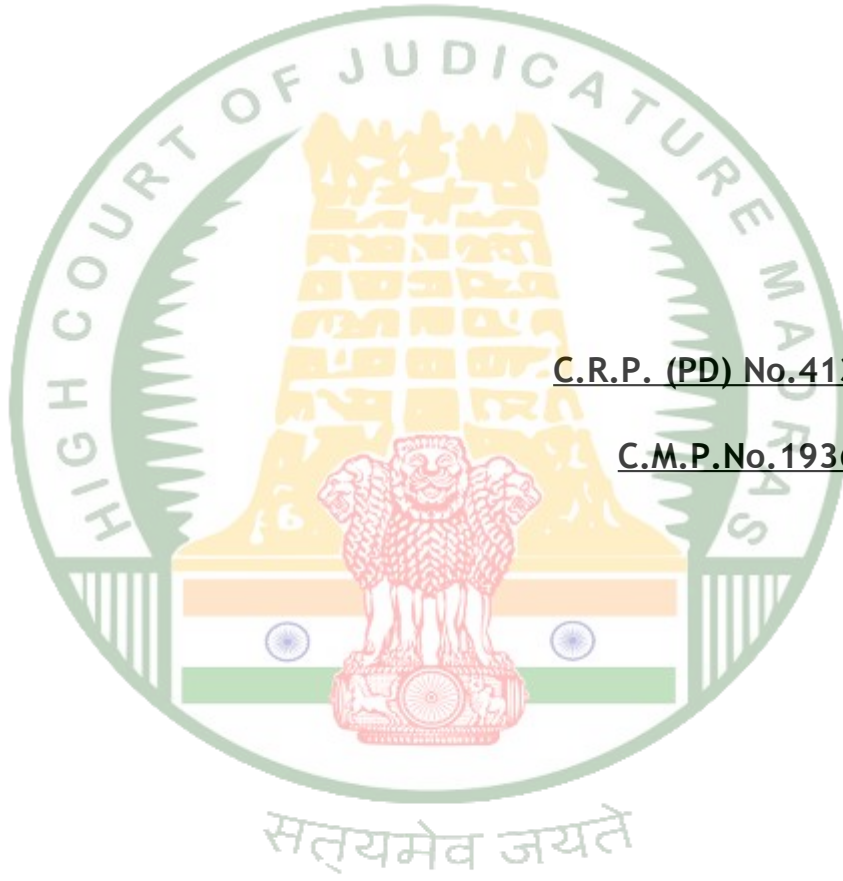
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To

1. The I Additional District Court,
Vellore.
2. The Collector, Vellore District,
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Vellore Taluk and Vellore District.
3. The Revenue Divisional Officer,
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D. KRISHNAKUMAR J.,

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