



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2017

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P.(MD) .No.28 of 2014

and

C.M.P.(MD) No. 1 of 2014

Radhalakshmi

... Petitioner/1st Defendant

Vs.

1. K.Veluchamy

2. K.Varadharajan

... 1st and 2nd Respondents /
Plaintiffs

3.The Sub-Registrar No.1

O/o Sub-Registrar,

Virudhunagar District.

4.The Sub-Registrar No.2

O/o Sub-Registrar,

Virudhunagar District.

... 3rd and 4th Respondents /
Defendant 2 and 3

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records and strike off the plaint in O.S.No.150 of 2012 on the file of Sub-Court, Aruppukottai and allow the above Civil Revision Petition.

For Petitioner : Mr.J.Anandkumar

For R1 & R2 : Mr.Ajay Kose

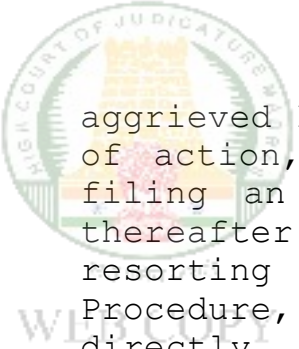
For R3 & R4 : No Appearance

ORDER

The Civil Revision Petition has been filed to call for the records and strike off the plaint in O.S.No.150 of 2012 on the file of Sub-Court, Aruppukottai and allow the above Civil Revision Petition and thus render justice.

2. This suit has been filed against the revision Petitioner and the Sub Registrar, Virudhunagar for Permanent injunction restraining the defendants from Registering any document in relation to transfer of the suit schedule property. Alleging the genuineness and validity of the alleged Sale Agreement dated 12.09.2012, the suit has been filed with a very innocuous prayer restraining the defendants from Registering of Sale Agreement or transfer of suit schedule property.

3. The first defendant herein has filed the present petition to set aside the plaint. Though there is prima facie material to entertain the plea, this court is of the opinion that this is not a forum for agitating the cause. The revision petitioner if she is



aggrieved by the said plaint, which according to her lacks cause of action, she should have first approached the Trial Court by filing an application under order 7 Rule 11 C.P.C and only thereafter she should have approached the higher forum. Without resorting to the remedy available under the code of Civil Procedure, the present Civil Revision Petition has been filed directly.

4. Hence, the Revision Petition is dismissed with liberty to approach trial court for the said relief. Consequently, connected miscellaneous petition is closed. No Costs.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

The Subordinate Judge,
Aruppukottai.

+1 cc to Mr.J.Anand Kumar , Advocate in SR.No. 51652

+1 cc to Mr.M.Subash Babu , Advocate in SR.No. 51696

SM/CP

AE/SKN RSK/20.4.2017/2P/4C

C.R.P. (MD) .No.28 of 2014

and

C.M.P. (MD) No. 1 of 2014

11.04.2017