



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2017

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P(MD)No.332 of 2017 (PD)
& C.M.P. (MD)No.1658 of 2017

Kasthuri Rengapuram Reddiyar
Dharma Chatthram,
Rep. by its Managing Trustee,
Vivekananthan,
S/o.Kasthuri Rengasamy Reddiyar.

.. Petitioner

Vs.

1. Muniyandi, S/o.Kalimuthu
2. The Assistant Executive Engineer,
Kannivadi,
Aathur Taluk,
Dindigul District.
3. The Assistant Junior Engineer (TNEB),
Operation and Maintenance,
Reddiar Chatthram,
Kathirananpatti,
Dindigul District.

.. Respondents

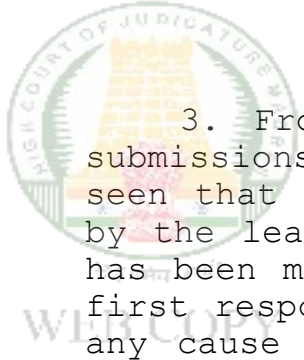
PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to struck off the plaint in O.S.No.530 of 2015 on the file of the Additional District Munsif Court, Dindigul.

For Petitioner : Mr.V.Perumal

ORDER

This Civil Revision Petition is filed to struck off the plaint in O.S.No.530 of 2015 on the file of the Additional District Munsif Court, Dindigul.

2. The grievance of the petitioner is that the learned Additional District Munsif, Dindigul, by granting interim order, has virtually allowed the suit. The learned Additional District Munsif failed to see that balance of convenience is not in favour of the respondent. The very same issue is pending before this Court in W.P. (MD) No.16201 of 2015.



3. From the contention and the grounds of revision and the submissions made by the learned counsel for the petitioner, it is seen that they are virtually challenging the interim order granted by the learned Additional District Munsif, Dindigul. But, nothing has been mentioned in the grounds as to how the suit filed by the first respondent is abuse of process of Court or does not disclose any cause of action or barred by law. It is not a fit case to exercise extraordinary jurisdiction under Article 227 of the Constitution of India. The power under Article 227 of the Constitution of India is a discretionary power and the same can be exercised sparingly and cautiously. In the circumstances, this Civil Revision Petition is dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (C)

/True Copy/

Sub Assistant Registrar

To

The Additional District Munsif,
Dindigul.

+ 1 CC TO Mr.V.PERUMAL, ADVOCATE IN SR No. 9496

SMN2

TE/CM-MSA : 01/03/2017 : 2P/3C

C.R.P(MD)No.332 of 2017 (PD)
& C.M.P.(MD)No.1658 of 2017
21.02.2017