

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.04.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(PD)No.4758 of 2017 and
C.M.P.No.223996 of 2017

B.Rajendra Raja

... Petitioner

Vs.

1. V.Edwin Paul
2. R.Gowri
3. C.Rajalakshmi
4. G.Geetha
5. V.S.Rajasekar
6. A.Murugan
7. Deepika

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India to strike off the proceedings of the District Munsif Court, Ambattur in I.A.No.1150 of 2017 in O.S.No.216 of 2017.

For Petitioner : Mr.A.J.Gouthaman
 For Respondents : Mrs.Axelia Peter

सत्यमेव जयते
ORDER

This civil revision petition has been filed by the plaintiff seeking to strike off the proceedings in I.A.No.1150 of 2017 in O.S.No.216 of 2017 pending on the file of the learned District Munsif Court, Ambattur.

2 It is the case of the petitioner/plaintiff that he filed a suit in

O.S.No.216 of 2017, in which, the respondents filed an interlocutory application under Order VII Rule 11, to reject the plaint and it is posted for arguments.

3 Heard the learned counsel on either side and perused the materials placed before this Court.

4 The petitioner has filed number of suits as against the respondents herein seeking declaration of title of the suits scheduled properties. It was contended by the learned counsel for the petitioner that the respondents instead of filing their written statement in O.S.No.216 of 2017, filed a petition to reject the plaint, which is unsustainable in law and seeks to allow this civil revision petition by striking off the application filed by the respondents to reject the plaint. In connected suit, similar application was filed and subsequently the same was dismissed by this Court.

5 On a perusal of the records, it reveal that an interlocutory application filed by the respondents under Order VII, Rule 11 of CPC is pending, in which, the petitioner has not even filed his counter affidavit. The petitioner himself filed several suits separately and therefore, order passed in one suit

will not bind on the other suits. While that being so, it is unnecessary for the petitioner to invoke the provisions under Article 227 of Constitution of India by filing the present civil revision petition and it is for the trial Court to decide the application on merits.

6 In view of the above reason, this Court is not inclined to strike of the interlocutory application filed by the respondents. However, the parties are at liberty to raise their respective defence before the trial court in appropriate proceedings.

7 In the result, the civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

03.04.2018

Index:Yes/No

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सत्यमेव जयते

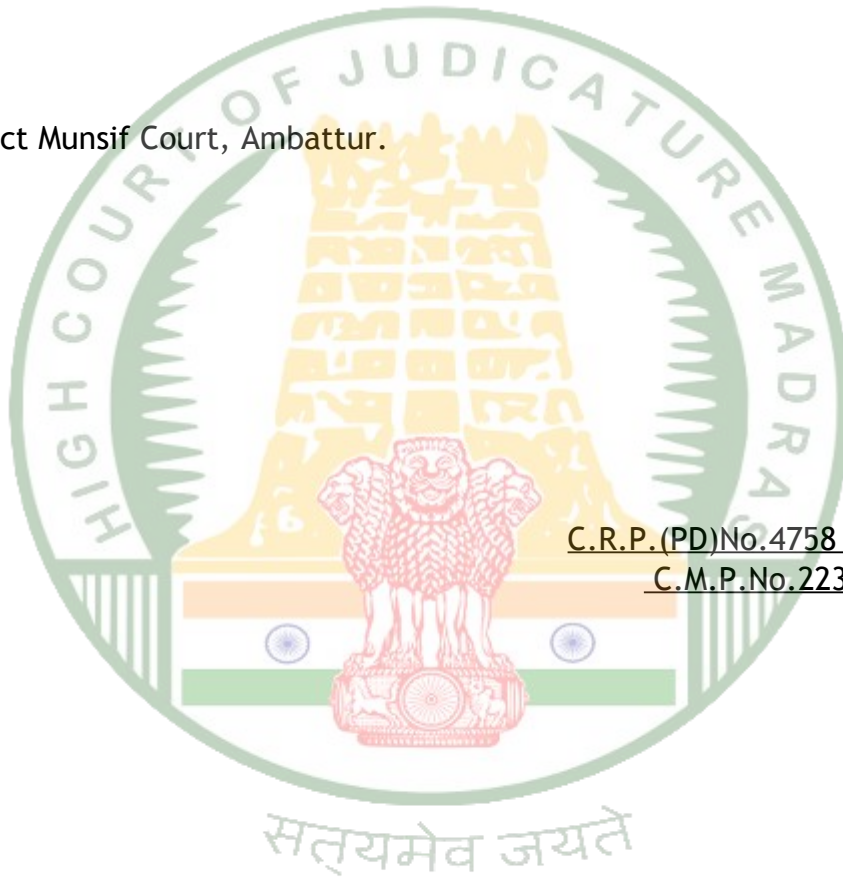
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P.VELMURUGAN, J.,

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To

The District Munsif Court, Ambattur.



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