

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP(PD).No.850 of 2018

and

CMP.No.4695 of 2018

S.Neela Narayanan

.. Petitioner

Vs

1.Ezhumalai

2.Rekha

3.Meenakshi

4.Sekar

.. Respondents

PRAYER

Civil Revision Petition filed under Article 227 of the
Constitution of India, to strike out the plaint filed in O.S.No.157 of 2014
on the file of the Court of the District Munsif, Tindivanam.

For Petitioner

: Mr.T.Dhanasekaran

ORDER

The Civil Revision Petition is taken up for final disposal at the admission stage itself.

2. According to the revision petitioner, the first and second respondents herein have filed a suit in OS.No.157 of 2014 on the file of the District Munsif, Tindivanam against the revision petitioner and the third and fourth respondents to declare the sale deed dated 29.04.1999 executed by the third respondent in favour of the revision petitioner as null and void. The revision petitioner has filed the present Civil Revision Petition before this Court to strike off the above plaint.

3. The learned counsel for the revision petitioner would submit that the suit has been filed against the revision petitioner and the third and fourth respondents to declare that the sale deed dated 29.04.1999 executed by the third respondent in favour of the revision petitioner as null and void. The first defendant / the revision petitioner has filed written statement on 10.12.2014. According to the revision petitioner, the third respondent has executed a sale deed dated 20.09.1999 in favour of the revision petitioner and the revision petitioner

is enjoying the property till today. Further the suit has been filed in the year 2014. Therefore, on perusal of the plaint, the aforesaid suit is barred by limitation. Therefore, the present Civil Revision Petition can be entertained under Article 227 of the Constitution of India to strike of the plaint.

4. On perusal of the materials, the first and second respondents have filed the suit in the year 2014 under Order 7 Rule 1 of the Civil Procedure Code before the District Munsif Court, Tindivanam. There is an efficacious alternative remedy is available to the revision petitioner to approach the court below to file an appropriate application. The court below can take note of the grounds raised by the revision petitioner and to decide the issue on merits and in accordance with law.

5. In view of the above said facts and discussion, this Court is not inclined to entertain the Civil Revision Petition at this stage. However, liberty is granted to the revisioin petitioner to file an appropriate application before the court below to raise these objections.

6. Therefore, the Civil Revision Petition is dismissed with

above direction. Consequently, the connected miscellaneous petition is closed. No costs.

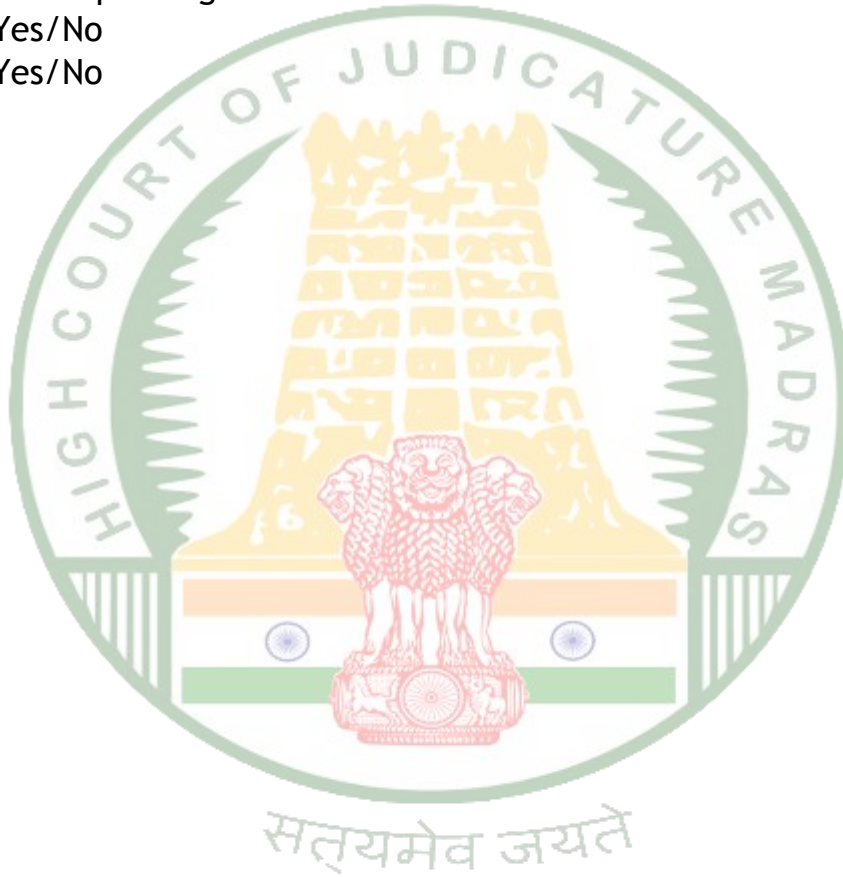
12.03.2018

Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

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To

The District Munsif,
Tindivanam.



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D. KRISHNAKUMAR J.,



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