



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P. (PD) (MD) No. 694 of 2018

and

C.M.P (MD) No. 3078 of 2018

Ismail

... Petitioner/1st Defendant

Vs.

1.Natarajan

2.Chandra

3.Abdul Latif

4.Basheer Ahmed

...Respondents 1 & 2/Plaintiffs 1 & 2

...Respondents 3 & 4/Defendants 2 & 3

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to call for the records relating to O.S.No.337 of 2014, on the file of the District Munsif Court, Thuraiyur and strike off the same and allow the above Civil Revision Petition.

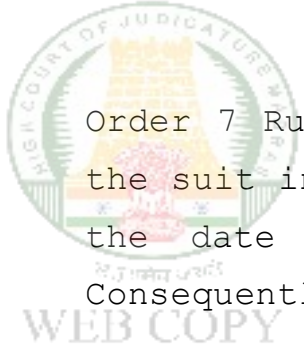
For Petitioner

: Mr.N.Mohan

O R D E R

The petitioner filed this Civil Revision Petition by invoking the jurisdiction under Article 227 of the Constitution of India to strike off the plaint. Since there is a provision in the Civil Procedure Code under Order 7 Rule 11 for rejection of the plaint, without invoking the said provision, the petitioner has approached this Court and hence, It is not accepted by this Court.

2.Since I already decided the same issue that the parties should approach only to the Court below by invoking Order 7 Rule 11 of CPC and filing the Civil Revision Petition under Article 227 of the Constitution of India is not maintainable before this Court. Therefore, the Civil Revision Petition is dismissed, giving liberty to the petitioner either to approach the Court below under



Order 7 Rule 11 of CPC or the Trial Court is directed to dispose the suit in O.S.No.337 of 2014 within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

The District Munsif Court,
Thuraiyur.

AM
AE/JC/SAR2/23.04.2018/2P/2C

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