



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P. (PD) (MD) No.2185 of 2017

and

C.M.P (MD) Nos.10711 of 2017

and

C.M.P (MD) No.4649 of 2018

S.Sivakumar

... Petitioner/Defendant

Vs.

Miss.S.Aarthi

... Respondent/Plaintiff

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow the Civil Revision Petition thereby strike of the suit in O.S.No.47 of 2017, on the file of the Learned District Judge, Sivagangai.

For Petitioner	:	Mr.B.Prahalad Ravi
For Respondent	:	Mr.Susanna Prabhu

O R D E R

The petitioner, who is the defendant in the suit in O.S.No.47 of 2017, has filed this Civil Revision Petition under Article 227 of Constitution of India to strike off the plaint on the ground that the respondent/plaintiff has not impled the proper party and also has not included the properties.

2.Though the grounds raised by the petitioner is not maintainable, there is a provision under Order 7 Rule 11 of the Civil Procedure Code, is available to him. Therefore, the remedy is always open to the petitioner to file an application under Order 7 Rule 11 of the Civil Procedure Code before the concerned Court.

3.It is absolutely partition suit. The Civil Revision Petition under Article 227 of the Constitution of India, is not at all maintainable. Therefore, the Civil Revision Petition is dismissed with liberty to the petitioner to file an application under Order 7 Rule 11 of the Civil Procedure Code. If such application is filed by the petitioner within a period of two



weeks from the date of receipt of a copy of this order, the learned District Judge, Sivagangai is directed to entertain such application and to dispose the same, within a period of four weeks thereafter, after issuing notice to the respondent. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

The District Judge,
Sivagangai.

+ 1 CC TO Mr.SUSANNNA PRABHU, ADVOCATE IN SR No. 68266
+ 1 CC TO Mr.B.PRAHALAD RAVI, ADVOCATE IN SR No. 68135

AM
TE/JC/SAR-2 : 22/06/2018 : 2P/4C

C.R.P. (PD) (MD) No.2185 of 2017
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