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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2018

CORAM:

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) .No.986 of 2016

and

C.M.P. (MD) .No.4888 of 2016

Lakshmi Vilas Bank Ltd.,
Through its Branch Manager,
No.9/12, Rajaji Street,
Gandhipuram,
Coimbatore - 641 012.

... Petitioner/5th Defendant

-vs-

1.V.Manikandan

... Respondent No.1/Plaintiff

2.V.Kalaivani

3.V.Anandhapriya

4.Minor Vignesh

(Minor 3rd defendant rep. by his Mother
and guardian the first defendant)

5.O.Vigneshwari

... Respondents/Defendants 1 to 4

Prayer: Civil Revision Petition under Article 227 of the
Constitution of India praying to strike off the plaint in O.S.No.127
of 2015 on the file of the VI Additional District Judge, Madurai.

For Petitioner : Mr.K.R.Laxman

ORDER

The fifth defendant in O.S.No.127 of 2015 on the file of the 6th Additional District Judge, Madurai is the revision petitioner herein. The suit has been filed for the relief of partition and separate possession. This Civil Revision Petition has been filed for striking off the plaint.

2.I am of the view that the revision petitioner has an alternative remedy under Order 7 Rule 11 of C.P.C.

3.The revision petitioner is given liberty to file such an application before the Court below. If such an application is filed within a period of three weeks from the date of receipt of a copy of this order, the court below shall dispose of the same in accordance with the provisions of Order 7 Rule 11 of C.P.C. a period of four weeks thereafter. Till then, the suit proceedings shall be kept in abeyance .



4. With this observation and leaving all the contentions open, this Civil Revision Petition is disposed of. No costs.

Sd/

Assistant Registrar (CO)

/True copy/

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Sub Assistant Registrar (CS-I)

To

The VI Additional District Judge,
Madurai.

+1cc to Mr. M. VENKATASESHAN, Advocate, SR.No.82099

+1cc to Mr. K. R. LAXMAN, Advocate, SR.No.82391

C.R.P. (MD) .No.986 of 2016
04.09.2018

VS

KK/RSK/SAR-1/23.10.2018/2P-4C