



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2018

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2131 of 2018

and

C.M.P.(MD).No.9418 of 2018

- 1.Karuppaian
- 2.Jothi
- 3.Valliammai
- 4.Pothum Ponnu,W/o.Selvaraj,
- 5.Ramanathan
- 6.Malayappan
- 7.Gangaiyammal
- 8.Pothum Ponnu,W/o.Neelakandan
- 9.Jeyanthi
- 10.Devi

.. Revision Petitioners /
Defendants 1 to 7 and 9 to 11

vs.

- 1.Poomalai .. 1st Respondent/ Plaintiff
- 2.Malarkodi .. 2nd Respondent / 8th Defendant

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to strike off the plaint in O.S.No.114 of 2018 on the file of the District Munsif Court, Pattukottai.

For Petitioners : Mr.K.Kumaravel

ORDER

The revision petitioners have filed this Civil Revision Petition for striking off the plaint in O.S.No.114 of 2018 from the file of the District Munsif Court, Pattukottai.

2. The learned counsel for the revision petitioners would contend that the first respondent/plaintiff has virtually questioned the Second Appeal judgment and decree passed by this Court. Be that as it may, the petitioner can move before the Court below for the rejection of plaint. They have a remedy under Order 7 Rule 11 CPC. If the Court below comes to the conclusion that there is an abuse of legal process, the inherent power under Section 151 CPC has also be invoked. The plaintiff can even be non-suited at the threshold.

3. The revision petitioners undertake to move the Court below for filing an appropriate application within a period of two weeks from the date of receipt of a copy of this order. If such an application is filed, the same shall be disposed of within a period



of six weeks thereafter. The suit proceedings shall be put on hold and kept in abeyance till the disposal of the said application. All the contentions are left open.

4. This Civil Revision Petition is closed with the aforesaid directions. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar (Crl Side)

/True copy/

Sub Assistant Registrar(CS-I)

To

1.The District Munsif,
Pattukottai.

2. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.(2 Copies)

+1cc to Mr.K.KUMARAVEL, Advocate, SR.No. 86811

C.R.P. (MD)No.2131 of 2018
26.09.2018

PJL

KK/RSK/SAR-1/26.10.2018/2P-5C