

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 09.01.2019

CORAM:
THE HONOURABLE MR. JUSTICE M.S. RAMESH

C.R.P. (PD) Nos. 93 & 94 of 2015
and
M.P. No. 1 of 2015

1. S.Chidambaranathan
2. Gajalakshmi ...Petitioners in all CRPs

Vs

1. R.Boopal Raja
2. R.Paranthaman
3. Lakshmikanthammal
4. P.Nalini
5. R.Seshammal
6. S.M.Palaniappan
7. P.L.Nachi

8. Dinesh Kumar
9. Yoganandham ...Respondents in all CRPs

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 01.09.2014 made in I.A.Nos.266 and 267 of 2012 in O.S.No.217 of 2011 on the file of the learned District Munsif, Tambaram and to strike down the suit

For Petitioners : Mr.E.Senthil Kumar
for M/s.Sampath Kumar Associates
in all CRPs

For Respondents : M/s.Achari & Antoni Associates
for R1 and R2

Mr.S.A.Akbar
for R6 and R7

No Appearance
for R3 to R5, R8 and R9

ORDER

The prayer sought for in these revision petitions is to set aside the fair and decretal order dated 01.09.2014 made in I.A.Nos.266 and 267 of 2012 in O.S.No.217 of 2011 on the file of the learned District Munsif, Tambaram and to strike down the suit in O.S.No.217 of 2011.

2. The scope of striking of the plaint by exercising Article 227 of the Constitution of India is very limited. In the instant case, the petitioners have sought for striking of the plaint in O.S.No.217 of 2011, on the ground that the respondents have not produced the original Koorchit before the trial Court and that they have not paid proper Court fee on the guideline value with regard to the suit properties. It is the further submission of the learned counsel that they are the bonafide purchasers in the suit properties and are in possession of the same and therefore, the plaint is liable to be struck of.

3. I am unable to comprehend as to how these grounds could be

maintained for the purpose of striking of the plaint by invoking Article 227 of the Constitution of India. Incase, the petitioners were of the view that the plaint itself is liable to be rejected, they could have filed an application under Order 7 Rule 11 of CPC at the earliest point of time. Even otherwise, all the grounds raised before this Court are triable issues which could be raised during the course of trial or final arguments and as such, it would not be appropriate for this Court to strike of the plaint by exercising the power vested under Article 227 of the Constitution of India.

4. Accordingly, the present Civil Revision Petitions stand dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

09.01.2019

Index:Yes/No

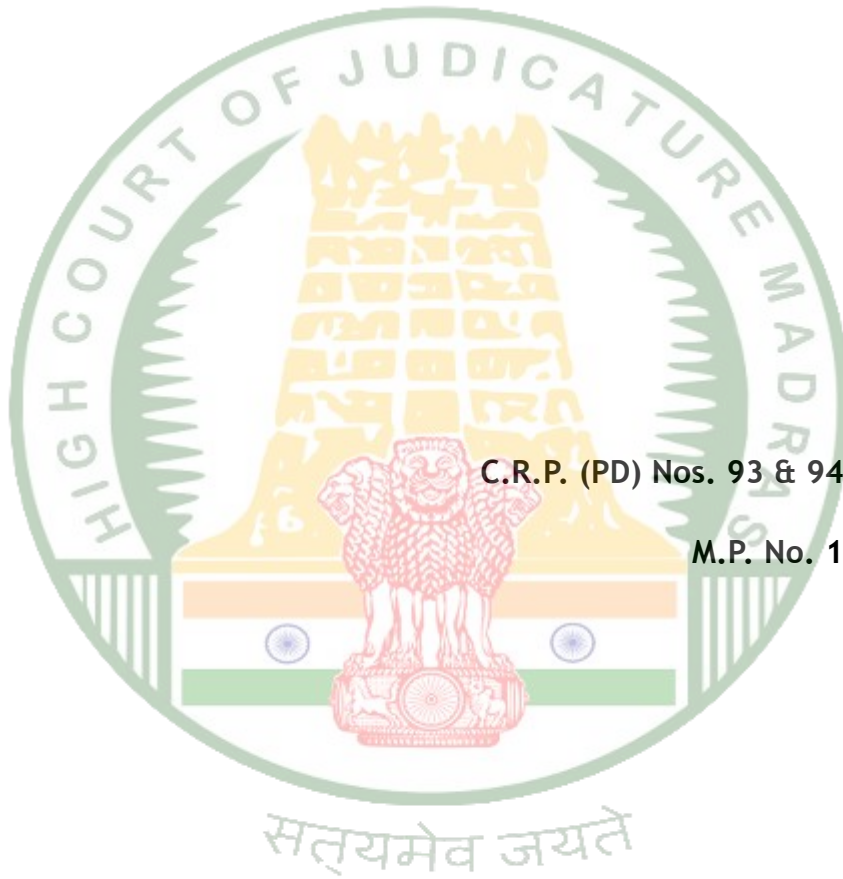
Speaking order: Yes/No

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M.S.RAMESH.,J

hvk



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