



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:25.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRP. (MD) .Nos.860 of 2012 (PD)

and

M.P. (MD) .No.2 of 2012

Srinivasan

.. Petitioner/1st Defendant

Vs.

1.Baskaran
2.Samuvel Nadar
3.David John
4.Edward
5.Arul

... 1st Respondent/Plaintiff

.. Respondents 2 to 5/
Defendants 2 to 5

PRAYER: This Petition filed under Article 227 of the Constitution of India to strike off the plaint in O.S.No.44 of 2012, pending on the file of the Principal District Munsif cum Judicial Magistrate Court at Tiruchendur by allowing the present Civil Revision petition.

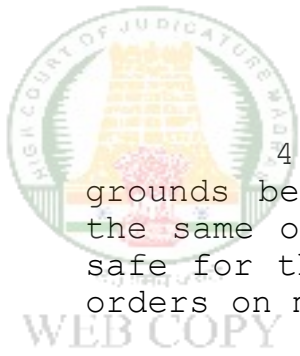
For Petitioner : Mr.R.Jayaprakash
For R1 : Mr.Greeshkumar
For R3 & R4 : Mr.V.S.Balamurugan
For R2 & R5 : No Appearance

O R D E R

This Civil Revision Petition has been filed under Article 227 of the Constitution of India seeking to strike off the suit in O.S.No.44 of 2012, filed by the first respondent under Order 7 Rule 1 of the Code of Civil Procedure before the Court below.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing on behalf of the respondents 1, 3 and 4.

3.A careful reading of the plaint filed by the first respondent shows that there is a cause of action that has been shown based on certain allegations that have been made against the defendants. The truth or otherwise of those allegations cannot be gone into by this Court while in exercise of its jurisdiction under Article 227 of the Constitution of India. To strike off a suit is an extraordinary remedy which cannot be used very lightly. Even this case does not warrant exercise of jurisdiction under Article 227 of the Constitution of India.



4.It is always left open to the petitioner to raise all the grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law. It will be safe for the Court below to consider the facts of the case and pass orders on merits.

5.In the result, the Civil Revision Petition is disposed of with a direction to the Court below to dispose of O.S.No.44 of 2012, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

/TRUE COPY/

Sub Assistant Registrar

tsg

To

1.The Principal District Munsif
cum Judicial Magistrate Court, Tiruchendur.

2.The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1 CC to M/s.GREESH KUMAR, Advocate (SR-89280[F] dated 25/09/2019)

+1 CC to M/s.R.JAYAPRAKASH, Advocate (SR-89434[F] dated
26/09/2019)

CRP. (MD) .No.860 of 2012(PD)
25.09.2019

JM/10.10.2019/2P/6C