

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.02.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

C.R.P.No.741 of 2020
and
C.M.P.No.3907 of 2020

1. N.Sakunthala Narayanan
2. N.Kala Narayana Moorthi
3. Narayana Moorthi .. Petitioners

Vs.

1. P.Saradha
2. B.Mala Balakrishnan .. Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to strike off the plaint in O.S.No.294 of 2019 on the file of the learned Principal District Munsif, Tirupur.

For Petitioners : Mr.B.Manoharan

ORDER

Present revision has been filed to strike off the plaint in O.S.No.294 of 2019, on the file of the learned Principal District Munsif, Tirupur.

2. The petitioners are the defendants 1 to 3 in the suit. The first respondent filed the suit for permanent injunction restraining the defendants from interfering with the plaintiffs peaceful

possession and enjoyment of the suit scheduled property. Admittedly, earlier the petitioners have filed an application in I.A.No.1 of 2020 to strike off the plaint and according to the learned counsel appearing for the petitioners, it is still pending before the trial Court. When an application for striking off the plaint is pending before the trial Court, the petitioners cannot maintain a revision with the same prayer, under Article 227 of the Constitution of India before this Court. In view of the above, the present revision is dismissed. Considering the fact that the suit is pending from the year 2019, the learned Principal District Munsif, Tirupur is directed to dispose of the application in I.A.No.1 of 2020 in O.S.No.294 of 2019, on merits and in accordance with law, after giving opportunity to both the parties, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

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To
The Principal District Munsif,
Tirupur.

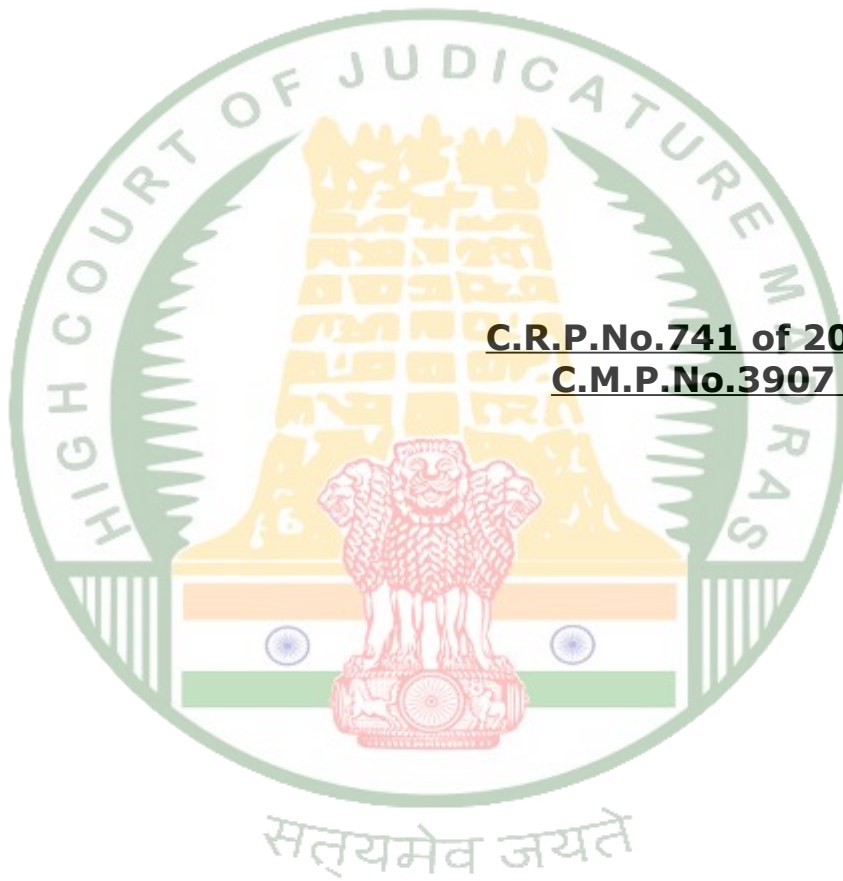
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