

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28..02..2020

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CIVIL REVISION PETITION NO.930 OF 2020

AND

C.M.P.NO.4925 OF 2020

S.Ganesa (Deceased)

1.Sabari Manikandan @ Saravanan

2.A.Shanmugavalli

... Petitioners

-Versus-

Illamathi Rathinavelu

... Respondent

Petition filed under Article 227 of the Constitution of India, praying to strike off the plaint in O.S.No.2603 of 2013 on the file of the learned XVI Assistant Judge, City Civil Court, Chennai.

For Petitioners : Mr.G.Muniratnam

ORDER

This civil revision petition has been filed seeking to strike off the plaint in O.S.No.2603 of 2013 on the file of the learned XVI Assistant Judge, City Civil Court, Chennai.

2. The petitioners are the defendants and the respondent is the plaintiff in the suit. Pending suit, the petitioners filed an application under Order VII, Rule of CPC seeking to reject the plaint which came to be dismissed by the court below on 17.10.2014 for the default of the petitioners. Subsequently, an application came to be filed by the petitioners under Order IX, Rule 9 of CPC seeking to restore the application filed under order VII, Rule 11 of CPC and the same was dismissed by the court below on 28.01.2019 on merits. In the above circumstances, the petitioner cannot maintain this revision petition seeking to strike off the plaint under Article 227 of the Constitution of India. Hence, the revision is not maintainable and the same is liable to be dismissed.

In the result, this civil revision petition is dismissed as not maintainable, however, with liberty to the petitioner to raise all his objections during trial. Considering the facts that the suit is pending since 2013, the learned XVI Assistant Judge, City Civil Court, Chennai, is directed to dispose of the suit on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected CMP is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kmk

To

1. The XVI Assistant Judge,
City Civil Court, Chennai.
2. The Section Officer,
VR Section, High Court,
Madras-104.

+1cc to Mr.G.Muniratnam, Advocate, S.R.No.18163

C.R.P.No.930 of 2020

AD(CO)
CS/04/03/2020

सत्यमेव जयते
WEB COPY