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CRP (PD) No.2642 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP (PD) No.2642 of 2021

and

CMP No.19564 of 2021

S.Velu

... Petitioner

Vs

1. K.Rajavel

2. T.N.Raja

3. K.Sathya

... Respondents

Prayer: The Civil Revision Petition filed under Article 227 of the Constitution of India, to struck off the plaint in O.S.No.10 of 2019 pending on the file of the Additional District Munsif Court, Poonamallee.

For Petitioner : Mr.T.N.Muralimoghan

ORDER

The petitioner seeks to strike off the plaint in O.S.No.10 of 2019 on the ground that it is abuse of process of Court and it amounts to re-litigation.

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2. The learned counsel for the petitioner would also draw my attention to the Judgement of the Hon'ble Supreme Court reported in **2017 (5) CTC 775** wherein the Hon'ble Supreme Court has held that the award of the Lok Adhalat can be set aside only by way of filing Writ Petition. Therefore, according to him, the suit itself is not maintainable.

3. I do not think that I could entertain this revision under Article 227 of the Constitution of India, in view of the availability of remedy under Order VII Rule 11 of C.P.C., before the trial Court itself. The Hon'ble Supreme Court in ***Virudhunagar Hindu Nadargal Dharma Paribalana Sabai & Ors. Vs. Tuticorin Educational Society & Ors.*** has held that when an appeal remedy is available under the Code of Civil Procedure, the High Court as a matter of discipline and prudence would not entertain the revision under Article 227 of the Constitution of India. Hence, I do not propose to entertain this revision. The revision therefore fails and it is accordingly dismissed. The petitioner is entitled to move the trial Court seeking rejection of the plaint under Order VII Rule 11 of C.P.C., . If such



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application is filed by the petitioner, the trial Court is directed to dispose of the application as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

01.12.2021

vum

Index: Yes/No

Speaking order / Non speaking order

To:

1. The Additional District Munsif,
Poonamalle.
2. The Section Officer,
VR Section,
Madras High Court, Chennai.



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R.SUBRAMANIAN, J.

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