



C.R.P (PD) No.1440 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM: **JUSTICE N.SESHASAYEE**

C.R.P (PD) No.1440 of 2022
and C.M.P. No.7457 of 2022

T.Senthilkumar

... Petitioner

Vs.

P.Pandian

... Respondent

PRAYER: The Civil Revision Petition filed under Article 227 of the Constitution of India, to strike off the suit in O.S. No.116 of 2022 on the file of the learned District Munsif Court, Ambattur.

For Petitioner : Mr.N.Manokaran

ORDER

The defendant in O.S. No.116 of 2022 has come forward with this revision seeking an order striking off the pleadings in the suit.

2. Heard Mr.N.Manokaran, learned counsel appearing for the revision



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petitioner and this Court has also carefully gone through the grounds. Every ground of the allegation on the basis the revision petitioner seeks striking off the pleadings, is reached on factual aspects, which can be resolved only in a proper trial of the suit. In other words, this court does not *prima facie* find any allegation of fraud or abuse of judicial process such as re-litigation of the dead cause.

3. In conclusion, this court does not find any merit in the revision. Accordingly, this revision is dismissed. However, there is no order as to costs. Consequently, the connected civil miscellaneous petition is closed. The revision petitioner, is however, at liberty to move the trial court with an application under Order VII Rule 11 raising the contention that he has now taken before this Court, if he is so desirous.

28.04.2022

Asr

To
The District Munsif, Ambattur



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N.SESHASAYEE, J.,

Asr

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