

**IN THE HIGH COURT OF JUDICATURE AT MADRAS****DATED:17.11.2022****CORAM:****THE HONOURABLE Mr. JUSTICE S.SOUNTHAR**

C.R.P.No.3493 of 2022
and C.M.P.No.18595 of 2022

1.P.Sundarammal
2.P.Rajeswari
3.P.Samundeswari
4.P.Thiruvassagam @ Dhanabal
5.P.Kirubakaran @ Giri

...Petitioners

Versus

1.Radhakrishnan
2.Rajendran

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to strike off the suit in O.S.No.73 of 2016 pending on the file of the learned Subordinate Judge, Pollachi.

For Petitioner :Mr.V.Nicholas

O R D E R

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The Civil Revision Petition is filed seeking a direction to Court below to strike off the plaint in O.S.No.73 of 2016, on the file of the learned Subordinate Judge, Pollachi.

2. The learned counsel for the petitioner contended that by virtue of the present suit, the respondent/plaintiff tries to reopen the litigation, which culminated by passing of judgment by this Court in S.A.No.99 of 1976 in the year 1976.

3. In the light of the law laid down by the Apex Court reported in ***(2019) 9 SCC 538 in Virudhunagar Hindu Nadargal Dharma Paribalana Sabai and Ors. Vs. Tuticorin Educational Society and Ors.***, when the petitioner has effective remedy before the regular Civil Court, this Court is not inclined to exercise the supervisory power under Article 227 of Constitution of India. Therefore, the Civil Revision Petition is dismissed with the following liberty.



4. It is always open to the revision petitioner to file an appropriate application for rejection of the plaint and if any petition is filed before the Court below, the same shall be disposed of in accordance with law, within a period of four months from the date of numbering the petition. No costs. Consequently, connected miscellaneous petition is closed.

17.11.2022

Index: Yes/ No
Speaking Order / Non-Speaking Order
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S.SOUNTHAR, J.

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To

The Subordinate Judge, Pollachi.

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