



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

**CRP.No.3193 of 2022
and
CMP.No.16998 of 2022**

1. Myilaathal
2. Vatchaladevi

... Petitioners

Vs

1. Angayarkanni
2. Rajeswari
3. Dhanalakshmi
4. Ambika
5. Kumarasamy
6. Vasanthi
7. Saravanan
8. Bharathi
9. Krishnasamy
10. Govindasamy
11. Deivanai
12. Murugesan
13. Subbulakshmi
14. Umamaheswari
15. Saravanan

...Respondents

Prayer:- This Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike off the plaint in O.S.No.78 of 2022 on the file of the Sub Court, Dharapuram.



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For Petitioners : Mr.D.R.Arun Kumar

ORDER

Civil Revision Petition is filed seeking to strike off the plaint in O.S.No.78 of 2022 on the file of the Sub-Court, Dharapuram.

2. The first respondent herein has filed a suit for partition against the petitioners and other respondents in O.S.No.78 of 2022.

3. In view of the law laid down by the Apex Court in *Virudhunagar Hindu Nadargal Dharma Paribalana Sabai versus Tuticorin Educational Society* reported in (2019) 9 SCC 538, this court is not inclined to entertain this petition. In the above case law, Hon'ble Apex Court had held empathetically that when an effective remedy is available for the revision petitioner under C.P.C., there is near total bar for this court to exercise supervisory jurisdiction under Article 227 of Constitution of India.

4. When the petitioner has an effective remedy available before the court below under Order 7 Rule 11 of CPC, he ought not to have invoked



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the supervisory jurisdiction of this Court under Article 227 of the Constitution of India.

5. In the result, this Civil Revision Petition is dismissed with liberty to the petitioner to file a petition to reject the plaint under Order 7 Rule 11, if so advised. Consequently, connected miscellaneous petition is closed.

26.10.2022

Index: Yes/No
Web: Yes/No
Speaking/Non Speaking
gv



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S.SOUNTHAR.,J.

gv

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