



C.R.P.No.3169 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

C.R.P.No.3169 of 2022
and
C.M.P.No.16921 of 2022

1.M.Goutham
2.M.Ganga

... Petitioner

..Vs.

1.Minor G.Shashwath
Represented by his mother/second respondent

2.G.Gomathy

3.The Sub Registrar,
Office of the Sub Registrar-2,
Anna Salai, Tiruvannamalai 606 601.

... Respondents

Civil Revision Petition filed under Article 227 of Constitution of India to reject the plaint filed by the respondents 1 and 2 herein in O.S.No.115 of 2022 on the file of the learned Principal District Munsif at Tiruvannamalai.



C.R.P.No.3169 of 2022

For Petitioner : Mr.J.Hariharan,
for K.V.Law Firm

For Respondent : Dr.S.Suriya,
Additional Government Pleader, for R3

ORDER

This Civil Revision Petition has been filed seeking to reject the plaint filed by the respondents 1 and 2 in O.S.No.115 of 2022 on the file of the Principal District Munsif, Tiruvannamalai.

2. The first and second respondents are the son and wife of the first petitioner. The second petitioner is the mother of the first petitioner. The respondents 1 and 2 filed a suit for injunction restraining the petitioner from alienating the suit property. The learned counsel for the petitioner submits that the suit property stands in the name of the second petitioner and hence respondents 1 and 2 are not entitled to seek any injunction against the original owner namely second petitioner. On this ground, this Civil revision petition is filed seeking to reject the plaint.

3. As per the law laid down by Hon'ble Apex Court in *Virudhunagar*



C.R.P.No.3169 of 2022

Hindu Nadargal Dharma Paribalana Sabai versus Tuticorin Educational

Society reported in ***(2019) 9 SCC 538***, when the petitioner has an effective remedy, under the Code of Civil Procedure, for filing a petition to reject the plaint under Order VII Rule 11 of the Code of Civil Procedure, this Court is not inclined to exercise its supervisory power.

4. Accordingly, this Civil Revision Petition stands dismissed. However, the petitioner is granted liberty to file a petition to reject the plaint before the Court below, if so advised. In case, any such petition is filed by the petitioner seeking rejection of plaint, the same shall be disposed of by the Court below within a period of four months from the date of service of the notice on the respondents therein. Consequently the connected miscellaneous petition is closed. There shall be no order as to costs.

17.10.2022

Index:Yes/No
Speaking Order:Yes/No
nsa



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- To
- 1.The Principal District Munsif,
Tiruvannamalai.
 - 2.The Sub Registrar,
Office of the Sub Registrar-2,
Anna Salai, Tiruvannamalai 606 601.
 - 3.The Section Officer,
V.R.Section,
High Court, Madras.



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S.SOUNTHAR, J.

nsa

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