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C.R.P.No.3713 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.3713 of 2022
and C.M.P.No.19630 of 2022

The Managing Director/Deputy Registrar,
8994, Tirchengode Cooperative Urban Bank,
Tiruchengode.

... Petitioner

VS

1. Leelavathi

2. The Deputy Registrar of Cooperative Societies,
Tiruchengode.

3. The Sale Officer, Cooperative Sub Registrar,
Office of the Deputy Registrar of Cooperative
Societies,
Tiruchengode.

4. M.Ravikumar

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, pleased to strike down the plaint filed in O.S.No.55 of 2022 on the file of District Munsif Court, Tiruchengode.

For Petitioner : Mr.R.Balaramesh
For Respondents : Dr.S.Suriya
Additional Government Pleader
(for R2 and R3)



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ORDER

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The Civil Revision Petition is filed to strike down the plaint filed in O.S.No.55 of 2022 on the file of District Munsif Court, Tiruchengode.

2. The first respondent herein filed a suit in O.S.No.55 of 2022 seeking declaration that the attachment made by the petitioner dated 17.03.2022 in Execution Petition No.3/2015-16 (நிறைவேற்று மனு. எண்.3/2015-2016) is null and void and for a consequential permanent injunction restraining the petitioner, second and third respondents from in anyway bringing the suit property for sale in public auction.

3. The learned counsel for the petitioner vehemently contended that the suit challenging the execution proceedings taken by the Cooperative Registrar is barred under Section 156 of the Tamil Nadu Cooperative Societies Act. If the petitioner is of the opinion that the suit is barred by any law, it is always open to him to invoke Order 7, Rule 11, C.P.C. and file a petition to reject the application.

4. In view of the law laid down by the Apex Court in the case of



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Virudhunagar Hindu Nadargal Dharma Paribalana Sabai versus

Tuticorin Educational Society reported in (2019) 9 SCC 538, when there is an effective remedy available before the regular Civil Court, this Court cannot exercise supervisory jurisdiction.

5. Therefore, this Court is not inclined to entertain this revision and consequently, the same is dismissed. It is always open to the revision petitioner to file a petition to reject the plaint on the ground that the suit is barred under any of the provisions of law, if so advised. If any such petition is filed by the revision petitioner, the same shall be disposed of as expeditiously as possible, preferably within a period of 6 weeks from the date of numbering of such petition.

6. With the above direction, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

18.11.2022

Index : Yes / No
Internet : Yes / No

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Note: Issue order copy on 22.11.2022

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S.SOUNTHAR, J.
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To

1. The District Munsif Court,
Tiruchengode.
2. The Deputy Registrar of Cooperative Societies,
Tiruchengode.
3. The Sale Officer, Cooperative Sub Registrar,
Office of the Deputy Registrar of Cooperative
Societies,
Tiruchengode.

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