



C.R.P.No.4279 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2022

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THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

C.R.P.No.4279 of 2022

and

C.M.P.No.22457 of 2022

Mrs.Anjali

... Petitioner

Vs.

1. D.Balachandar

2. The Sub Registrar,
Thiruvottiyur Sub Registration Office,
Thiruvottiyur, Chennai-600 019.

3. The Thasildar,
Thiruvottiyur Taluk Office,
Thiruvottiyur, Chennai-600 019.

... Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike of the Plaint in O.S.No.109 of 2021 on the file of the District Munsif Court, Thiruvottiyur.

For Petitioner	: Dr.S.S.Swaminathan
For Respondents	: Mr.P.Harish, Govt.Advocate (CS)



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ORDER

The Civil Revision petition has been filed under Article 227 of the Constitution of India to strike of the Plaint in O.S.No.109 of 2021 on the file of the District Munsif Court, Thiruvottiyur.

2. The revision petitioner is the first defendant in the suit. The first respondent instituted a suit for a direction against the first respondent, not to alienate the suit schedule property and for further directions.

3. The learned counsel for the petitioner made a submission that the suit is an abuse of process of law. To substantiate the said contention, it is contended that the settlement deed executed by the revision petitioner superseded the other documents and thus, the suit is the abuse of the process and to be struck off. The learned counsel for the petitioner urged this Court by stating that the first respondent plaintiff is none other than the younger son of the revision petitioner and therefore, in order to harass the revision petitioner the suit was instituted.



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4. The power under Article 227 of the Constitution of India is to be exercised sparingly since efficacious remedy is available under the Code of Civil Procedure. Only in exceptional cases, where there is a gross abuse of the process, then alone the High Court would interfere directly under Article 227 but not otherwise. The power under Article 227 need not be exercised in a routine manner so as to consider the actual disputes prevailing between the parties to the litigation. All such actual disputes have to be adjudicated before the competent Court under the Code of Civil Procedure.

5. In the present case, there is a provision for rejection of plaint or to strike off the suit under the Code of Civil Procedure and therefore, the petitioner ought to have approached the competent Court for the redressal of her grievances.



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S.M.SUBRAMANIAM.J.,

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6. In view of the facts and circumstances, the petitioner is at liberty to approach the competent Court for appropriate remedy. Accordingly, the present Civil Revision Petition stands **dismissed**. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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23.12.2022

Index:Yes
Internet:Yes
Speaking Order

To

1. District Munsif Court, Thiruvottiyur.

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