



CRP.No.3796 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

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Mr.B.Anbu

... Petitioner

Vs.

1.Rajkumar
2.Ravichandran
3.Malathi
4.Kavitha
5.Meena
6.Amithavalli

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike of the plaint in O.S.No.268 of 2016 respectively on the file of the Subordinate Court, Manargudi, pending disposal of the above suit.

For Petitioner : Mr.I.Arokia Selvaraj



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ORDER

This Civil Revision Petition is filed, seeking to strike out the
plaint in O.S.No.268 of 2016 pending on the file of the learned Sub-
Court, Manargudi.

2. The respondents herein filed the suit in O.S.No.268 of
2016 seeking declaration that the sale deed dated 24.04.1995 executed
by the father of the plaintiffs as null and void and other consequential
reliefs.

3. The petitioners herein, who are the defendants in the suit,
seeking to strike out the plaint in O.S.No.268 of 2016 mainly on the
ground of limitation. It is always open to the revision petitioners to file
an application before the Court below for rejection of the plaint by
invoking under Order 7 Rule 11 of CPC.



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4. In view of the law laid down by the Hon'ble Apex Court in

Virudhunagar Hindu Nadargal Dharma Paribalana Sabai versus Tuticorin Educational Society reported in *(2019) 9 SCC 538*, as the petitioner is having effective remedy available before the regular Civil Court, this Court is not inclined to exercise its supervisory jurisdiction under Article 227 of the Constitution of India. Therefore, this Civil Revision Petition is dismissed with liberty to the petitioner to file a petition for rejection of the plaint, if so advised.

5. Accordingly, this Civil Revision Petition is dismissed with liberty to the petitioner to file a petition for rejection of the plaint. No costs.

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Index : Yes / No

Internet : Yes / No

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To

The Subordinate Court, Manargudi.



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