



C.R.P.No.4768 of 2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2022

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THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

C.R.P.No.4768 of 2017

and

C.M.P.No.22454 of 2017

- 1.Tamilarasi
- 2.Revathi
- 3.Punithavathi

... Petitioners

.Vs.

- 1.M.Mani
- 2.M.Vijayalakshmi
- 3.K.Subramani
- 4.C.Jothi
- 5.P.Kulanthaivelu
- 6.Yashoda
- 7.The Tahsildar,
Pallavaram Taluk,
Kancheepuram District.
- 8.The Zonal Deputy Tahsildar,
Pallavaram Taluk,
Kancheepuram District.



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9.The Town Surveyor,
Pallavaram Municipality,
Chrompet, Chennai.

10.The Commissioner,
Pallavaram Municipality,
Chrompet, Chennai.

11.The District Collector,
Kancheepuram District,
Kancheepuram.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to strike off the plaint O.S.No.523 of 2017 on the file of the Principal District Munsiff Court, Alandur as an abuse of law and Court.

For Petitioner :Mr.M.Selvam
For Respondents :Mr.P.Chandrasekar, for R1 to R5
Mr.P.Srinivas, for R7

ORDER

This Civil Revision Petition has been filed by the petitioners/defendants 1 to 3 for striking off the plaint in O.S.No.523 of 2017 pending on the file of the Principal District Munsif Court, Alandur.



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2. Heard Mr.M.Selvam, learned counsel for the petitioner and Mr.P.Chandrasekar, learned counsel for the respondents 1 to 5 and Mr.P.Srinivas, learned counsel for the 7th respondent.

3. The main ground on which this civil revision petition has been filed is that the present suit is barred under Order II Rule 2 of the Code of Civil Procedure, since the plaintiff has already sought for a similar relief in the previous suit.

4. This Court exercising jurisdiction under Article 227 of the Constitution of India will strike down the plaint only in exceptional cases since there is an effective alternative remedy that is available under Order VII Rule 11 of the Code of Civil Procedure to reject the plaint if the ground stated therein are made out. Hence, considering the ground that has been raised by the petitioners, the same can always be urged before the Court below by filing an appropriate application for rejection of plaint, if so advised. Except giving this clarity, this Court is not inclined to pass any



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further orders in the Civil Revision Petition

5. In the result, this Civil Revision Petition is disposed of in the above terms. Consequently, the connected miscellaneous petition is also closed. There shall be no order as to costs.

12.12.2022

Speaking/Non-speaking order

Index: Yes/No

Internet : Yes/No

nsa

To

- 1.The Tahsildar,
Pallavaram Taluk,
Kancheepuram District.
- 2.The Zonal Deputy Tahsildar,
Pallavaram Taluk,
Kancheepuram District.
- 3.The Town Surveyor,
Pallavaram Municipality,
Chrompet, Chennai.
- 4.The Commissioner,
Pallavaram Municipality,
Chrompet, Chennai.



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5.The District Collector,
Kancheepuram District,
Kancheepuram.



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N.ANAND VENKATESH,J.

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