



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P(MD)No.200 of 2022 &

CMP(MD)No.875 of 2022

1.R.Vasanthi

2.K.Radha

... Petitioners/ Petitioners/
1st and 2nd Defendant

Vs.

1.A.Bagyalakshmi

... 1st Respondent/ 1st Respondent/
Plaintiff

2.A.Rakki

3.The Sub Registrar,

No.II, Joint Sub Registrar Office,

Sivagangai District, Sivagangai.

... Respondent 2&3/

Respondent 2&3/Defendant 3&4

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 25.10.2021 in IA.No.1 of 2021 in OS.No.114 of 2018 on the file of the Sub Court, Sivagangai and allow the CRP.

For Petitioners : Mr.AL.Ganthimathi

For R3 : Mr.Shanmugavel,
Additional Govt. Pleader

ORDER

The revision petition is filed to set aside the order dated 25.10.2021 in IA.No.1 of 2021 in OS.No.114 of 2018 on the file of the Sub Court, Sivagangai.

2. The petitioners / defendants 1 and 2 filed IA.No.1 of 2021 in OS.No.114 of 2018 under Order 7 Rule 11 of CPC to reject the plaint. The learned Sub Judge, Sivagangai rejected the said petition vide docket order dated 25.10.2021, stating that, the petition is not maintainable since the suit itself is ripe for trial. Challenging the said order, the present petition is filed.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the third respondent and perused the materials on record.



4. Since no adverse order against the respondents 1 and 2 is supposed to be passed in the present petition, notice to the respondents 1 and 2 is dispensed with.

5. The learned Sub Judge, Sivagangai has rejected the IA on the sole ground that the suit itself is ripe for trial. However, it is pertinent to point out that, at any time before conclusion of trial, a petition under Order 7 Rule 11 can be filed. Therefore, the learned Judge ought not have rejected the petition on the ground that the suit is ripe for trial. Hence, this Court is inclined to allow this petition.

6. Accordingly, this civil revision petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

7. The order dated 25.10.2021 in IA.No.1 of 2021 in OS.No.114 of 2018 on the file of the Sub Court, Sivagangai is set aside and the learned Sub Judge, Sivagangai shall order notice to the respondents and dispose the IA.No.1 of 2021 within a period of one month from the date of receipt of a copy of this order and thereafter, proceed with the trial.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

The Sub Court, Sivagangai

Copy to:

The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.SPL.GP (SR-5035[F] dated 09/02/2022)

+1 CC to M/s.AL.GANTHIMATHI, Advocate (SR-4840[F] dated 08/02/2022)

C.R.P(MD)No.200 of 2022
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RD(21.02.2022) 2P 5C