



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE S. ANANTHI

CRP(MD).No. 513 of 2022 and
CMP(MD).No.2323 of 2022

P.Raju	..	Petitioner/Defendant
	Vs.	
P.Muthulakshmi	..	Respondent/Plaintiff

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 16.12.2021 made in I.A.No.... of 2021 (unnumbered) in O.S.No.21 of 2017 on the file of the Principal District Judge, Theni.

For Petitioner	:	Mr. P. Ganapathi Subramanian
For Respondent	:	Mr. M.A.M. Raja

ORDER

This Civil Revision Petition is filed against the fair and decreetal order dated 16.12.2021 made in I.A.No.... of 2021 (unnumbered) in O.S.No.21 of 2017 on the file of the Principal District Judge, Theni, which was filed by the petitioner under Sections 9, 11 Order 11 Rule 2(3) and Section 151 of CPC r/w. Sections 5, 8,9 16 and 42 of the Arbitration and Conciliation Act, 1996.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The revision petitioner / defendant has already filed an application in I.A.No.1 of 2020 in O.S.No.21 of 2017 under Order 7 Rule 11 CPC to reject the plaint and the same was dismissed by the trial Court vide order, dated 11.02.2021 . Against which CRP(MD). No.1324 of 2021 has been filed by the petitioner and the same has also been dismissed by this Court vide order, dated 22.10.2021. The petitioner has filed SLP against that order. Now, the petitioner has again filed the present petition to reject the plaint, which was rejected by the trial Court without numbering the I.A, since the SLP is pending against the order in CRP(MD).No.1324 of 2021.

4. Since all the matter decided in CRP(MD).No.1324 of 2021, the petition filed by the petitioner is vexatious one and the order can be decided only in SLP. Further, the petitioner has no right



to file this revision to reject the suit again and again. Hence, this Court is inclined to dismiss this revision with the exemplary cost of Rs.10,000/- .

5. Accordingly, the Civil Revision Petition is dismissed and the revision petitioner is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the respondent within a week from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

To

The Principal District Judge, Theni.

+1 CC to M/s.P. GANAPATHI SUBRAMANIAN, Advocate (SR-17870[F] dated 11/04/2022)

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