



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2022

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P. (MD) .No.1896 of 2017

and

CMP (MD) .Nos.9817 of 2017 & 8059 of 2019

1.K.Pandian
2.K.Pugalendhi

...Petitioners/Defendants

Vs.

L.Sekar

...Respondent/Plaintiff

PRAYER: Civil Revision Case is filed under Article 227 of Constitution of India to strike off the plaint made in O.S.No.1294 of 2013 on the file of the District Munsif Court, Tiruchirappalli.

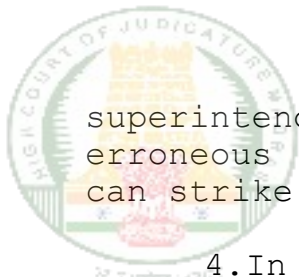
For Petitioners : Mr.A.Rahul
For Respondent : Ms.J.Anandhavalli

O R D E R

The respondent is the plaintiff and the petitioners are the defendants. The respondent filed O.S.No.1294 of 2013 before the District Munsif Court, Tiruchirappalli declaring that the sale deeds dated 04.06.2007 and 29.03.2012 are null and void and also for permanent injunction.

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

3.The said suit was filed by the respondent in the year 2013. Summons were also served to the petitioners and the petitioners have entered appearance through their counsel and filed a written statement even in the year 2014 itself. The petitioners have not filed any application before the trial Court to expedite the trial and awaiting for four years after filing of the suit. In the year 2017, the petitioners have filed the present civil revision petition under Article 227 of Constitution of India and got an order of stay and stalling the suit without proceeding further. The petitioners have already entered appearance and filed a written statement. At the trial stage, instead of proceeding the suit, they invoked Article 227 of Constitution of India. No doubt, this Court has got



superintendence power over the Subordinate Judge. If the suit is erroneous or vexatious under Article 227 of Constitution of India, can strike off the plaint.

4. In this case, the petitioners have filed the present revision after four years from the date of filing of the suit. If they would have expedited the suit, the suit itself would have been disposed of. If the petitioners got any valid defence, the suit would have been disposed of on merits or if the petitioners have aggrieved over after receiving the summons, they would have filed the revision at the earliest. The act of the petitioners is nothing but abuse of process of law and their motivation is only to stall the suit for not getting any relief from the Court. Since Article 227 of Constitution of India has been misused by the petitioners, this Court is not inclined to grant any relief as prayed for in the revision.

5. The Srirangam Munsif Court has been newly established. Since the suit falls under the jurisdiction of District Munsif Cum Judicial Magistrate, Srirangam, it was transferred to the District Munsif Cum Judicial Magistrate, Srirangam and renumbered as O.S.No.1053 of 2019. The District Munsif Cum Judicial Magistrate, Srirangam is directed to dispose of the suit within a period of six months from the date of receipt of a copy of this order. Both the parties are directed to co-operate with the case for early disposal.

6. With the above observation, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

msa

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The District Munsif,
Trichy.



2. The District Munsif Cum Judicial Magistrate,
Srirangam.

+1 CC to M/s.J.ANANDHAVALI, Advocate (SR-1403[F] dated
12/01/2022)

WEB COPY

+1 CC to M/s.A.RAHUL, Advocate (SR-1618[F] dated 12/01/2022)

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