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C.R.P.No1533 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2023

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

C.R.P.No.1533 of 2019
and CMP Nos.10000, 10004 of 2019

Mrs.J.James Rani

.. Petitioner/Defendant

.Vs.

Mr.R.Elumalai

... Respondent/Plaintiff

Civil Revision Petition filed under Article 227 of Constitution of India, to struck off the Plaint in O.S.No.06 of 2019, on the file of District Munsif at Tambaram, Chennai 600 045.

For Petitioner : Mr.A.Ramaswamy

For Respondent : Mr.G.Justin
Mr.V.Antony Elangovan Raj



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ORDER

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This Civil Revision Petition has been filed to strike off the plaint pending in O.S.No.6 of 2019, on the file of the District Munsif Court, Tambaram, Chennai- 600 045.

2.Heard Mr.A.Ramaswamy, learned counsel for the petitioner and Mr.G.Justin, learned counsel for the respondent.

3.This Court has carefully considered the submissions made on either side and the materials available on record.

4.On careful consideration, it is seen that the issues that have been raised by either side pertains to factual dispute which requires appreciation of evidence. The jurisdiction under Article 227 of Constitution of India must be used very sparingly for striking off a plaint and it is available only on certain grounds. The issues that were raised by the learned counsel for the petitioner does not fall within those grounds and it necessarily involves certain factual determination.



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5. In view of the above, this Court is not inclined to interfere with the suit at this stage and it will be fit and proper, if a direction is issued to the Court below to dispose of the suit within a time frame since the pleadings are complete.

6. In view of the above, this Civil Revision Petition is disposed of with a direction to the District Munsif, Tambaram, Chennai, to dispose of O.S.No.6 of 2019, within a period of **three months** from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

06.01.2023

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KP

Internet: Yes

Index: Yes/No

Speaking Order: Yes/No

To

Sub Court
District Munsif
Tambaram
Chennai 600 045.



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N.ANAND VENKATESH. J.,

KP

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