



C.R.P.No.1896 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

C.R.P.No.1896 of 2023

and

C.M.P.No.12077 of 2023

1.K.Sakthi Murugan

2.K.Muthurajan

..Petitioners

Vs.

1.Naren Krishnaa [Minor]

Represented by Natural Guardian and
Mother N.Sathyavani

2.N.Satyavani

3.G.Narayanan

4.G.Rani

5.Kumar Gopalakrishnan

[Respondents 3 to 5 are given up]

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order in I.A.No.4 of 2022 in O.S.No.304 of 2022 dated 17.03.2023 on the file of the Additional District Munsif, Poonamalle.



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For Petitioners : Mr.D.Babu Varadharajan

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ORDER

This application is filed aggrieved by the dismissal of the application in I.A.No.4 of 2022 in O.S.No.304 of 2022 dated 17.03.2023, which was filed for rejection of the plaint on the ground that there is no cause of action and that the suit claim is barred by law.

2. According to the learned counsel for the petitioners, the petitioners have purchased the schedule of property under the registered sale deed dated 23.09.2022 from the person in whose favour the property has been bequeathed under a Will dated 10.10.2010. The learned counsel for the petitioners submits that on account of the execution of the Will and subsequent sale deed in favour of the petitioners/ defendants by the respondents 3 to 5, there is no cause of action for the plaintiff to file the suit.

3. The questions raised above will have to be decided during the course of regular trial. The petitioners filed I.A.No.4 of 2022 under Order VII Rule 11 of the Code of Civil Procedure and the same was



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dismissed after a full fledged enquiry on 17.03.2023. The ground raised by the petitioners can be considered during the course of trial.

4. The learned counsel for the petitioners also further submitted that the very filing of the suit is abuse of process of law. In which case he has got the remedy to approach the Court under Article 227 of the Constitution of India.

5. In view of the above, there are no merits in the case and accordingly the civil revision petition is **dismissed** with liberty to move similar petition under Article 227 of the Constitution of India, if so advised. No costs. Consequently, the connected miscellaneous petition is closed.

22.06.2023

dsa

Index :Yes/No

Internet :Yes/No

Neutral Citation :Yes/No

Speaking order/Non-Speaking order



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Dr.D.NAGARJUN, J.

dsa

To:-

The Additional District Munsif,
Poonamalle.

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22.06.2023