



C.R.P.No.3711 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 26.09.2023

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.3711 of 2019
and C.M.P.No.24373 of 2019

A.B.Farhatunissa

... Petitioner

-VS-

- 1.M.Asharaf Ali
- 2.M.Abdul Jabbar
- 3.M.Md.Iliyas
- 4.M.Kousar Parveen
- 5.A.Sumaiya Banu
- 6.A.Mohammed Sahel Basha
- 7.A.Mohammed Omar
- 8.A.Mohammed Siddique Basha
- 9.A.Mohammed Salim
- 10.A.Mohammed Aslam
- 11.A.Mohammed Ashfaque
- 12.S.Mumtaz Begum
- 13.A.Kathija Shaheem



C.R.P.No.3711 of 2019

14.A.Umma Salma

15.A.A.Juria Banu

16.A.Khairunnisa

17.A.Nasewemunnisa

18.M.Bhaskar

19.M/s.Canara Bank

Rep. by its Branch Manager,
Angappa Naicken Street,
Chennai - 79.

20.The Authorized Officer,
Asset Recovery Management Branch,
Canara Bank,
Spencer Tower - 11 First Floor
770A, Anna Salai
Chennai.

21.M.Mehbubunnisa

22.A.Mohammed Sadiq

23.A.Mohammed Salman Sahith

24.A.Ameena Misbuka

25.A.Rafique Ahmed

26.A.Shayik Ahamed

27.A.Kizar Hussain

28.A.Thaslim Banu

29.A.Athiya Banu

30.Padmavathi

31.Santhanalakshmi



C.R.P.No.3711 of 2019

32.Senthilkumar

33.Kavitha

34.Kamalammal

35.G.Arun

36.Noorul Basar

37.A.Safina Mushkoth

38.A.Firdose Nasreen

39.A.Suheb Fahad

40.A.Rabiya Ruksana

41.A.Falak Naaz

42.A.Nadira Nusrath

43.A.Ifra Mashooda

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, pleased to direct the Subordinate Judge, Ranipet to strike off the plaint in O.S.No.215 of 2010.

For Petitioner : Mr.M.Aravind Subramaniam

For Respondents : Ms.Sri Ranjani for T.P.Prabakaran
1 to 5



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C.R.P.No.3711 of 2019

For Respondent : Mr.D.Suresh Kumar
20

For Respondent : Mrs.S.Hemalatha
18, 30 to 34

For Respondent : Mr.R.Abdul Mubeen
19

For Respondents : No Appearance
6 to 17, 21 to 29, 35 to 43

ORDER

This Civil Revision Petition has been filed to strike off the
plaint in O.S.No.215 of 2010 on the file of Subordinate Judge, Ranipet.

2. The revision is predicated on the ground, the suit is an abuse
of process of law. The plea being the property of a partnership firm
is sought to be partitioned in O.S.No.215 of 2010 leaving out the civil
revision petitioner, who has share in the same.



C.R.P.No.3711 of 2019

3. Mr.Aravind Subramaniam, learned senior counsel appearing for Sriprada Prabhakar would submit the aforesaid statement and wants this Court to strike off the plaint on the file of Subordinate Judge, Ranipet.

4. I pointed out that in case of abuse of process of law, remedy is available under Order VI Rule 16, by filing an interlocutory application in the suit, and in case the plaint does not have a cause of action, remedy under Order VII Rule 11 is available. I pointed out that the Supreme Court in *Virudhunagar Hindu Nadargal Dharma Paribalana Sabai & Others v. Tuticorin Educational Society (2019)9 SCC 538* has held that where an effective remedy is available under the Code of Civil Procedure, a revision under Article 227 should not be normally entertained. Following the said judgment, granting liberty to the petitioner to move a petition either under Order VI Rule 16 or under Order VII Rule 11, this revision is dismissed.



C.R.P.No.3711 of 2019

5. Accordingly, C.R.P.No.3711 of 2019 is dismissed. No Costs.

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Consequently, the connected C.M.P.No.24373 of 2019 is closed.

26.09.2023

rna/shl

Index : Yes / No

Internet : Yes / No

To

The Subordinate Judge,
Ranipet.



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C.R.P.No.3711 of 2019

V.LAKSHMINARAYANAN.J.

rna/shl

C.R.P.No.3711 of 2019
and C.M.P.No.24373 of 2019

26.09.2023