



C.R.P.(MD)No.2297 of 2023

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DATED: 16.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2297 of 2023
and
C.M.P.(MD)No.11845 of 2023

1. S.Kannan

S.Prema (died)

2. S.Ramesh

3. S.Aachiraman

... Petitioners/
Petitioners/
Defendants

Vs.

1. S.Hariganesh

2. S.Balasubramaniyan

3. The Sub-Registrar
Woraiyur Sub-Registrar's Office
Maruthandakurichy,
Srirangam Taluk,
Tiruchirappalli District.

4. The Joint III Registrar
The Joint III Registrar office,
Town Hall, Tiruchirappalli.



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5. The Sub Registrar
Sub-Registrar's Office
Mylapore, Chennai.

... Respondents

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 28.03.2023 passed in I.A.No.2 of 2019 in O.S.No.65 of 2019 by the IIIrd Additional District Judge, Tiruchirappalli, allow the civil revision petition and hereby reject the plaint in O.S.No.65 of 2019 before the IIIrd Additional District Court, Tiruchirappalli.

For Petitioners : Mr.P.Paranthaman

ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.2 of 2019 in O.S.No.65 of 2019 dated 28.03.2023 on the file of the III Additional District Court, Tiruchirappalli, dismissing the petition filed under Order 7 Rule 11 C.P.C.

2. The main contention of the revision petitioners/defendants 2, 3 and 5 is that the first respondent/plaintiff has filed the suit in O.S.No.65 of 2019 in collusion with the second respondent/fourth defendant to escape from the bank liabilities and only to bypass the SARFAESSI proceedings, that the properties were already partitioned 32 years back and the same is



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acted upon and that the first respondent/plaintiff, without filing any documents to support the case, has filed the plaint and the same was taken on file. But the ground taken by the revision petitioners/defendants 2, 3 and 5, by no stretch of imagination, can be considered as a ground to reject the plaint.

3. Considering the above facts and circumstances, the impugned order dismissing the petition cannot be found fault with.

4. However, the revision petitioners are at liberty to file a written statement raising the pleas now raised and request the trial Court to try the preliminary issue and on such requisition, the trial Court is directed to consider the requisition in accordance with law.

5. With the above observation and direction, this Civil Revision Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

16.10.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
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K.MURALI SHANKAR,J.

csn

To

1. The III Additional District Court,
Tiruchirappalli.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
C.R.P.(MD)No.2297 of 2023
and
C.M.P.(MD)No.11845 of 2023

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