



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2023

CORAM

WEB COPY

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**C.R.P(MD)No.49 of 2023**

**and**

**C.M.P(MD)No.256 of 2023**

1.S.Gopal

2.S.Marimuthu

3.S.Sundaramoorthy

4.T.Marimuthu

5.P.Arumugam

... Petitioners/Respondents/  
Plaintiffs

Vs.

Suriya

... Respondent/Petitioner/  
24<sup>th</sup> Defendant

**PRAYER:** Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records and set aside the Fair and Decreetal order dated 21-06-2022 in I.A.No.2 of 2021 in O.S.No.32/2021 on the file of the file of the learned Additional District and Sessions Judge, Srivilliputhur and allow this Civil Revision with costs.

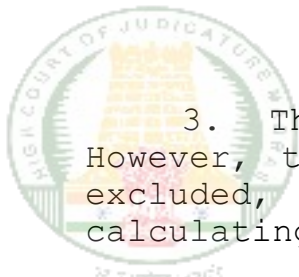
For Petitioners : Mr.M.Gnana Gurunathan

For Respondent : Mr.S.V.Nagarajan

**ORDER**

The plaintiffs have filed the present revision petition challenging an order, under which an application under Order 7 Rule 11 has been allowed and the plaint has been rejected.

2. When the plaint is rejected invoking the powers under Order 7 Rule 11, only a regular first appeal lies before the first appellate Court and revision petition is not maintainable.



3. Therefore, the Civil Revision Petition is dismissed. However, the period between 20.10.2022 and 27.02.2023 shall stand excluded, if the petitioner chooses to file a first appeal for calculating a period of limitation.

4. With the said observation, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/03/2023

Sub Assistant Registrar(CS)

gbg

To

1.The Additional District and  
Sessions Judge,  
Srivilliputhur.

2.The Section Officer,  
E.R.Section,  
Madurai Bench of Madras High Court,  
Madurai.

(To return the Original impugned order)

+1 CC to M/s.M.GNANAGURUNATHAN, Advocate ( SR-11231[F] dated  
28/02/2023 )

C.R.P (MD) No.49 of 2023  
27.02.2023

MGJ(13.03.2023) 2P 4C