



C.R.P.(PD).Nos.3520 & 3522 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.09.2024

CORAM

THE HONOURABLE Mr. JUSTICE

V.LAKSHMINARAYANAN

C.R.P.(PD).Nos.3520 & 3522 of 2024

&

C.M.P.No.19079 & 19083 of 2024

C.M.P.No.3520 of 2024:

P.Gunasekar

...Petitioner

Vs.

1.P.Selvaraj

2.Malathy @ Mala

3.N.Ramachandran

4.The Tahsildar,
Ponneri Taluk,
Tiruvallur District - 601 204.

5.The Sub-Registrar,
Ponneri Sub-Registrar Office,



C.R.P.(PD).Nos.3520 & 3522 of 2024

Ponneri, Tiruvallur District – 601 204.

...Respondent

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Prayer: Petition filed under Article 227 of the Constitution of India to reject the plaint in O.S.No.42 of 2024, on the file of the District Munsif, Ponneri.

C.M.P.No.3522 of 2024:

R.S.Jayachandran

...Petitioner

Vs.

1.R.J.Kamal

2.R.J.Rajesh

...Respondents

Prayer: Petition filed under Article 227 of the Constitution of India to reject the plaint in O.S.No.117 of 2024, on the file of the Principal Subordinate Court, Ponneri.

For Petitioner : Mr. R.Munuswamy
(In both petitions)



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ORDER

Mr. R.Munusamy would plead that the suits in O.S.Nos.42 of 2024 and 117 of 2024 are an absolute abuse of process of Court. After having sold the property through a power of attorney in the year 2007, the plaintiff seeks to assail the said deed after a lapse of 17 years. The fact that the power that has been executed is clear from prayer (a).

2. However, in view of the latest Judgement passed by Mr.Justice D.Bharatha Chakravarthy in C.R.P.(MD).No.671 of 2022 dated 23.08.2004, I am of the view that the parties can be relegated to file an appropriate application before the Trial Court under Order VII Rule 11 or Order VI Rule 16 of the Code of Civil Procedure or both. The contention that has been raised by the learned counsel for the petitioner in these revisions is left open to be raised before the Trial



Court. I am sure if the learned Trial Judge comes to the conclusion that it is an abuse of process of law, he will exercise the powers vested to him under Order VI Rule 16 of the Code of Civil Procedure.

3. With the above observation, the Civil Revision Petitions are dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

04.09.2024

Index : Yes/No
Internet : Yes/No
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To

1.The Principal Subordinate Court,
Ponneri.

2.The District Munsif,
Ponneri.



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C.R.P.(PD).Nos.3520 & 3522 of 2024

V.LAKSHMINARAYANAN, J.

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04.09.2024