



WEB COPY



C.R.P. (PD) .Nos.4595 & 4601 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).Nos.4595 & 4601 of 2024
and C.M.P.Nos.25690 & 25726 of 2024

C.R.P.(PD).No.4595 of 2024:

M/s. Dhanalakshmi Srinivasan Chit Fund P.Ltd.,
No.274/C, Thuraiyur Road,
Perambalur,
Tamil Nadu – 621 212.

.. Petitioner

Vs.

- 1.N.Paranthaman
- 2.Sai J A K.Saravanan Kumar
- 3.M.Ramalingam
- 4.The Union of India,
Represented by its Chief Secretary,
Government of Puducherry,
Puducherry – 605 001.
- 5.The District Registrar,
Registrar Office,
Puducherry – 605 013.
- 6.The Sub-Registrar,
Office of the Sub-Registrar, Thirukkanur,
Puducherry – 605 501.



C.R.P. (PD) .Nos.4595 & 4601 of 2024

7.The Tahsildar,
Villianur Taluk,
Puducherry – 605 110.

.. Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to strike out the Plaint in O.S.No.199 of 2024 on the file of learned Principal Subordinate Judge, Pondicherry, being abuse of process of Court and the law, as time barred and hit by limitation and suffers from illusory cause of action.

C.R.P.(PD).No.4601 of 2024:

M/s. Dhanalakshmi Srinivasan Chit Fund P.Ltd.,
No.274/C, Thuraiyur Road,
Perambalur,
Tamil Nadu – 621 212.

.. Petitioner

Vs.

1.M.Ramkumar

2.M/s. BOSE PAVERS,
represented by its Proprietor Sevuga Pandian.

3.A.P.Thiyagarajan

4.Kalaivani Vijayan

5.Sri Vallalar Agencies,
represented by its Proprietor, Govardhanan.

6.Sai J A K.Saravanan Kumar

7.Dhanusu @ Saroja



8.Kanchana

9.A.K.Subbulakshmi

10.AparnaMangalakshmi

11.The Union of India,
Represented by its Chief Secretary,
Government of Puducherry,
Puducherry – 605 001.

12.The District Registrar,
Registrar Office,
Pondicherry.

13.The Sub-Registrar,
Office of the Sub-Registrar,
Oulgaret, Pondicherry.

14.The Tahsildar,
Uzhavarakarai Panchayat,
Puducherry.

.. Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to strike out the Plaint in O.S.No.60 of 2024 on the file of learned Additional District Judge-III, Pondicherry, being abuse of process of Court and the law, as time barred and hit by limitation and suffers from illusory cause of action.

(In both cases):

For Petitioner : Mr.R.Rajavelavan

COMMON ORDER



Mr.R.Rajavelavan, pleads that having executed the document, the 1st respondent has proceeded to present the suit seeking for its cancellation. Therefore, he states it as an abuse of process of law and the proceeding is hopelessly barred by limitation.

2.I went through the same plaint. I find that there are certain disputed question of facts. Therefore, it might not be proper for me to interfere with the same in exercise of the power under Article 227 of the Constitution of India. The petitioner has twin remedy under Order VII Rule 11 of the Code of Civil Procedure or under Order VI Rule 16 of the Code of Civil Procedure to either reject the plaint or to get the suit dismissed as abuse of process of law. The advantage would be that the first defendant can always mark documents under Order VI Rule 16 of the Code of Civil Procedure and also tender oral evidence, if necessary.

3.Leaving it open to the petitioner to adopt the appropriate remedy that he is so advised.

4.In the result, these Civil Revision Petitions are dismissed.



C.R.P. (PD) .Nos.4595 & 4601 of 2024

Consequently, the connected Miscellaneous Petitions are closed. No costs.

WEB COPY

18.11.2024

krk

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

- 1.The Principal Sub Court,
Pondicherry.
- 2.The III Additional District Court,
Pondicherry.

V.LAKSHMINARAYANAN, J.



WEB COPY



C.R.P. (PD) .Nos.4595 & 4601 of 2024

krk

C.R.P.(PD).Nos.4595 & 4601 of 2024

18.11.2024