



C.R.P.(PD)No.4452 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **08.11.2024**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.4452 of 2024
and C.M.P.No.24799 of 2024

1. R. Muthayiammal
2. V.Vijayalakshmi
3. V.Uma Sankar
4. Jothi

.. Petitioners

Vs

1. Vijaya
2. B.Nithyanandhan
3. B. Nithya

4. The Sub Registrar,
Sub-Registrar Office,
Uthangarai, Krishnagiri District.

5. The District Collector,
Collector Office, Krishnagiri District.

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike off the plaint in the suit proceeding in O.S.No.171 of 2024 on the file of the Subordinate Court at Uthangarai, Krishnagiri District.



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For Petitioner : Mr.G.Veerapathiran

For RR4 & 5 : Mr.T.Arun Kumar, Addl. Govt. Pleader

ORDER

This civil revision petition seeks to strike off the plaint in O.S.No.171 of 2024 on the file of the Subordinate Court at Uthangarai, Krishnagiri District, as an abuse of process of Court.

2. Where there is an alternate remedy available for the defendant to strike off the pleadings, this Court should normally not interfere with the suit. The power is available with the learned trial Judge to dismiss the suit, if it is found to be an abuse of process of Court under Order VI Rule 16 of the Code of Civil Procedure (C.P.C.), if the defendant takes out an appropriate application on his behalf.

3. Leaving it open to the defendants to file such an application, this civil revision petition stands dismissed on the following terms:

(i) In case an application under Order VI Rule 16 of the C.P.C. is not filed and the written statement is presented in time, the learned Subordinate Judge at Uthangarai, Krishnagiri District is requested to



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dispose of the suit in O.S.No.171 of 2024 within a period of fifteen months from the date of receipt of a copy of this order.

(ii) The learned Subordinate Judge at Uthangarai, Krishnagiri District is requested to take note of the fact that the 1st defendant is an octogenarian and it is in the interest of the parties as well as the Court that the result of the litigation be seen during the life time of the senior citizen. No costs. Consequently, connected miscellaneous petition is closed.

08.11.2024

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

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To

1. The Subordinate Judge at Uthangarai, Krishnagiri District.

2. The Sub Registrar,
Sub-Registrar Office,
Uthangarai, Krishnagiri District.

3. The District Collector,
Collector Office, Krishnagiri District.



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V. LAKSHMINARAYANAN,J.

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