



C.R.P.(MD)No.2292 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2292 of 2024

and

C.M.P.(MD)No.12976 of 2024

Murugesan

... Petitioner / 4th Defendant

Vs.

1.Madhavan

2.Baskaran

... Respondents 1 & 2 / Plaintiffs

3.Manimegalai

4.Hariharan

5.Abinaya

6.Marudhayee

7.Thangamani

... Respondents 3 to 7 /
Defendants 1 to 3, 5 & 6

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike off the plaint in O.S.No.5 of 2024 on the file of the Principal Sub Court, Vendasandur and allow this Civil Revision Petition.

For Petitioner : Mr.G.Gomathisankar

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ORDER

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The fourth defendant in O.S.No.5 of 2024 on the file of the Principal Sub Court, Vendasandur has filed this civil revision petition to strike off the suit from the file of the Court.

2.It has been held by the Hon'ble Supreme Court that when alternative remedy is available under the Civil Procedure Code, it should be exhausted and that the jurisdiction under Article 227 of the Constitution of India should not be invoked in the first instance.

3.In this view of the matter, I grant liberty to the revision petitioner to file a petition under Order VII Rule 11 of Civil Procedure Code for rejection of plaint. As and when any such petition is filed, it shall be numbered immediately and disposed of on merits and in accordance with law within a period of ten weeks thereafter. I have not gone into the merits of the matter.

4.With the aforesaid liberty to the revision petitioner and direction to the Court below, this civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

24.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

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The Principal Sub Court,
Vedasandur.



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G.R.SWAMINATHAN, J.

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