



C.R.P(MD)No.1737 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.09.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)No.1737 of 2024
and
C.M.P(MD)No.10035 of 2024

V.G.Thangamalar

... Petitioner /
Defendant

Vs.

M.Ramasamy

... Respondent /
Plaintiff

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to strike off the Plaint in O.S.No.202 of 2023 on the file of the Additional District Court, Palani and allow the above Civil Revision Petition.

For Petitioner : Mr.N.Mohan

For Respondent : Mr.K.Muthuganesa Pandian

ORDER

Heard both sides.



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2.The defendant in the suit has invoked Article 227 of the Constitution of India to strike off the petition mentioned suit on the ground that it is hopelessly barred by limitation.

3.Though the contentions advanced by the learned counsel for the revision petitioner are attractive, I am not in a position to grant relief in these proceedings. The Hon'ble Supreme Court in a decision reported in **(2019)9 SCC 538 (Virudhunagar Hindu Nadargal Dharma Paribalana Sabai and Others Vs. Tuticorin Educational Society and Others)** had held that when alternative remedy is available before the civil Court in terms of CPC, invocation of Article 227 of the Constitution of India is not appropriate.

4.In this view of the matter, this Civil Revision Petition is disposed of by granting liberty to the petitioner to file a petition under Order VII Rule 11 of CPC before the Court below. If the petitioner files any such petition, it shall be numbered immediately and disposed of on merits and in accordance with law within a period of eight weeks thereafter.



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5.This Civil Revision Petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

02.09.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

The Additional District Court,
Palani.



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G.R.SWAMINATHAN, J.

MGA

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