



C.R.P.(MD)No.2268 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.09.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2268 of 2024
and
C.M.P.(MD)No.12855 of 2024

Kanaga Sabapathi

... Petitioner / Defendant

Vs.

Ramayee Ammal

... Respondent / Plaintiff

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike off the plaint in O.S.No.334 of 2023 on the file of the Sub Court, Vedasandur and allow this civil revision petition.

For Petitioner : Mr.G.Gomathisankar

ORDER

The defendant in O.S.No.334 of 2023 on the file of the Sub Court, Vedasandur is the revision petitioner herein.



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2. He wants this Court to strike off the plaint. The petitioner's counsel submitted that the suit is barred on the ground of limitation as well as undervaluation. These are grounds that can be urged in an application filed under Order 7 Rule 11 of C.P.C.

3. The Hon'ble Supreme Court in the decision reported in (2019) 9 SCC 538 (Virudhunagar Hindu Nadargal dharma [Paribalana Sabai v. Tuticorin Educational Society](#)) had held that if alternative remedy is available in CPC, it would operate as a complete bar in invoking jurisdiction under Article 227 of the Constitution of India. The petitioner is therefore granted liberty to move the court below. As and when application under Order 7 Rule 11 of C.P.C is filed, it shall be numbered immediately and disposed of within a period of three months thereafter. I have not gone into the merits of the matter.

4. With the aforesaid liberty to the petitioner and direction the court below, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

20.09.2024

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

The Sub Court, Veda sandur.



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G.R.SWAMINATHAN, J.

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