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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23.08.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2286 of 2023
and
C.M.P.(MD)No.11788 of 2023

Rameeza Begum ... Petitioner / Defendant No.3

Vs.

1.Mubarak Ali

2.Siddique

3.Raja Mohammed ... Respondents / Plaintiffs

4.Sara Bivi (Died)

5.Nizam

6.Noorjahan

7.Mohammed Ibrahim (Died)

8.Dilsath

9.Katheeja

10.Asma

11.Iliyas

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12.Jamal

13.Mujapur Raguman

14.Mumthaj

15.Haneez Fathima

16.Alima Bivi

17.Noor Mohammed

18.Lukman Hakkim

19.Jasmin Begum

20.Fathiamuthu Johara

21.Faiross Banu

22.Sabeena Banu

23.Rafique

24.Balkish Bivi

25.Aribha

26.Vahida

27.Fathima Hani ... Respondents / Defendants
1 & 2, 4 to 25

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike off the plaint in O.S.No.162 of 2021 on the file of the District Subordinate Judge, Manapparai, Trichy District.

For Petitioner : Mr.N.Mohideen Basha

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For Respondents : Mr.Raguvaran Gopalan
for Mr.K.Prabhakar
for R1 to R3, R5, R6, R11
R17 to R27
: R4 & R7 – died

O R D E R

The civil revision petition has been filed to strike off O.S.No.162 of 2021 on the file of the Sub Court, Manapparai.

2. The learned counsel appearing for the revision petitioner reiterated all the contentions set out in the memorandum of grounds of revision. I am not swayed by the said submission. The Hon'ble Supreme Court in the decision reported in ***(2019) 9 SCC 538 (Virudhunagar Hindu Nadargal Dharma Paribalana Sabai and others Vs. Tuticorin Educational Society)*** had held that where there is a availability of remedy under CPC, it will deter the High Court from exercising jurisdiction under Article 227 of the Constitution of India. The petitioner can very well file an application under Order 7 Rule 11 of C.P.C to reject the plaint. When such an effective remedy is available, the petitioner ought not to have come before this Court.

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G.R.SWAMINATHAN, J.

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3. Leaving open all the rights and remedies of the revision petitioner, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

23.08.2024

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

The District Subordinate Judge, Manapparai, Trichy District.

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