



CRP(PD)(MD).No.2876 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 18.11.2024

CORAM

THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI

C.R.P(PD)(MD)No.2876 of 2024 and
CMP(MD).No.16419 of 2024

M.Kannan : Revision Petitioner / 12th defendant

Vs.

1.Vaippathal
2.Ayubkhan
3.Rajasulokshana
4.Indira
5.Padma Jasmine
6.Nagaraja Prabu
7.Subangi
8.Murugalakshmi
9.Velselvi
10.Thangamariappan
11.Manikandan
12.Jawaharlal Nehru
13.Savithiri
14.Pon Rakku
15.Sundarson
16.Sanjana
17.Muthumari
18. Dharmalingam

respondents 1 and 2 / plaintiffs

19.The Tahsildar,
Taluk Office,
Ramanathapuram District.



CRP(PD)(MD).No.2876 of 2024

20 The District Collector,
Ramanathapuram District,
Ramanathapuram.

: Respondents 3 to 20 / Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to strike off the plaint in O.S.No.19 of 2024 on the file of the Sub Court, Mudhukulathur, Ramanathapuram District and allow this Civil Revision.

For Petitioner

:Mr.B.Prahalad Ravi

For respondent Nos.19 and 20 : Mr.B.Saravanan

Additional Government Pleader

ORDER

This Civil Revision Petition has been filed to strike of the plaint in O.S.No.19 of 2024 on the file of the Sub Court, Mudhukulathur, Ramanathapuram District.

2. According to the revision petitioner, the respondents 1 and 2 as the plaintiffs filed the above said suit for declaration and permanent injunction based on the patta in respect of the suit property, which was



CRP(PD)(MD).No.2876 of 2024

cancelled much longer to the suit. Hence, the suit is abuse of process of Court and liable to be struck off.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 19 and 20 and perused the materials available on record.

4. On perusal of the records it is seen that the respondents 1 and 2 as plaintiffs filed the above suit for declaration of title and for permanent injunction stating that the suit properties are the ancestral properties of the plaintiffs and that they are in possession and enjoyment of the same till date. While so, the defendants are attempting to dispossess the plaintiffs from the suit property. Pending suit, the revision petitioner / 12th defendant has filed the present revision to strike off the plaint in O.S.No. 19 of 2024 stating that the above suit is only abuse of process of the Court for the reasons that the plaintiffs are in possession and enjoyment of the suit property. The revision petitioner without making any application under Order 7 Rule 11 CPC filed the above revision petition. It is settled proposition that the Courts may be cautious about entertaining a Civil Revision Petition to strike off the plaint when a remedy exists under Order



CRP(PD)(MD).No.2876 of 2024

7 Rule 11 CPC, as could be seen in this case as bypassing proper procedure. When filing a Civil Revision Petition to strike off the plaint the petitioner must present strong legal arguments explaining why the trial Court was wrong in not rejecting the plaint or why the case should be dismissed on broader legal grounds. A plaint can be struck off only when it is found privilege, vexatious, or abuse of the Courts process, meaning the suit is clearly without the cause of action or is intended to harass the defendants. Therefore, this Court is not inclined to allow this Civil Revision Petition. However, the petitioner is at liberty to file an application under Order 7 Rule 11 CPC.

5. With the above Observation, this Civil Revision Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

18.11.2024

Index : Yes / No
Internet : Yes/ No
trp



CRP(PD)(MD).No.2876 of 2024

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To

The Sub Court, Mudhukulathur

Ramanathapuram District



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CRP(PD)(MD).No.2876 of 2024

K. GOVINDARAJAN THILAKAVADI, J.,

trp

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