



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.1923 of 2025
& CMP.No.10992 of 2025

1.Dr.Pradeep
2.P.Divya

... Petitioners

Vs.

Dr.P.Mathavi

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to strike off the plaint in O.S.No.198 of 2024 on the file of the District Munsif Court, Pallavaram.

For Petitioners : Mr.C.Jagadish

For Respondent : No appearance

ORDER

The Civil Revision Petition has been filed to strike off the plaint in O.S.No.198 of 2024 on the file of the District Munsif Court, Pallavaram.

2.Heard Mr.C.Jagadish, learned counsel for the petitioner.



WEB COPY

3.The petitioners are the landlords of the suit premises, which is under the occupation of the respondent/tenant. The petitioners have already initiated proceedings to recover possession of the tenanted premises from the respondent and in that regard, he has also filed RLTOP.No.12 of 2024, which is pending before the Distrit Munsif cum Magistrate Court, Pallavaram. After the filing of the said RLTOP, the respondent/tenant has filed a suit in O.S.No.198 of 2024, seeking the relief of a permanent injunction to restrain the revision petitioners/landlords from dispossessing the respondent by following due process of law.

4.On receipt of summons, the petitioners herein filed a memo before the District Munsif cum Magistrate Court, Pallavaram, stating that already steps have been taken to evict the respondent, plaintiff in the suit by following the due process of law and therefore, the suit need not be kept pending. The Trial Court has recorded the said memo on 08.01.2025 and thereafter, has adjourned the proceedings in the RLTOP as well as the suit.

5.The learned counsel for the petitioners would submit that the plaint

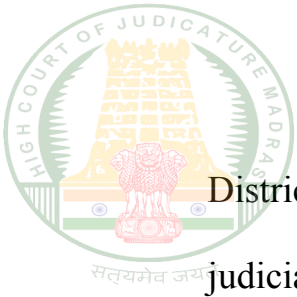


WEB COPY

is wholly unnecessary and the Trial Court ought to have exercised the discretion vested in it to close the suit as already proceedings were initiated for evicting the respondent in the manner known to law. He would further state that the RLTOP is also pending before the very same Court and therefore, the Trial Court ought to have taken judicial notice. However, the Trial Court has merely adjourned the suit and since both the RLTOP and the suit are being taken up together, it would cause unnecessary delays, which is seriously prejudicing the interest of the petitioners/landlords.

6.I have gone through the memo that has been filed by the petitioners in O.S.No.198 of 2024.

7.The petitioners have clearly indicated that the petitioners have already invoked the due process of law for seeking recovery of possession of the tenanted premises from the respondent in the said suit. The suit has been filed only for the relief of a permanent injunction to restrain the petitioners herein from, in any manner, interfering with the peaceful possession and enjoyment of the suit property by the plaintiff, taking law into the plaintiff's hands and from evicting the plaintiff, except by due process of law. The



WEB COPY

District Munsif cum Magistrate Court, Pallavaram ought to have taken judicial notice of pendency of RLTOP before the very same Court and in the light of the memo, the Trial Court ought to have exercised discretion to dispose of the suit summarily.

8. Under Order VI Rule 16 of CPC, the Court, at any stage of the proceedings, is entitled to strike out or amend the pleading, which may be unnecessary, scandalous, perverse or vexatious or which may tend to prejudice, embarrass or delay fair trial of the suit or otherwise, an abuse of process of Court. The Trial Court ought to have fallen back on the provisions of Order VI Rule 16 of CPC, finding that the suit was unnecessary in the light of the RLTOP having been filed and also pending before the very same Court.

9. In the light of the above and recording the memo filed by the petitioners before the Trial Court, I am inclined to allow the Civil Revision Petition and strike off the plaint as unnecessary.



WEB COPY

10. In fine, the Civil Revision Petition is allowed. The plaint in O.S.No.198 of 2024 on the file of the District Munsif Court, Pallavaram, is struck off. Under the new Act, any eviction sought for by the landlord has to be disposed of within a period of three months. Admittedly, the present RLTOP.No.12 of 2024 has been filed in October 2024 and the same is still pending. Therefore the District Munsif cum Magistrate Court, Pallavaram, shall dispose of RLTOP.No.12 of 2024, within a period of 60 days from the date of receipt of a copy of this order. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

02.07.2025

Speaking/Non-speaking : Yes/No
Index : Yes / No
ata

To
The District Munsif cum Magistrate Court, Pallavaram.

P.B. BALAJI,J.



WEB COPY



ata

CRP.No.1923 of 2025
& CMP.No.10992 of 2025

02.07.2025