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CRP.No.5205 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2025

CORAM

THE HONOURABLE MR JUSTICE S.SOUNTHAR

CRP.No.5205 of 2025
and C.M.P.No.26235 of 2025

1. Hindustan Petroleum Corporation Limited,
Registered Office at,
No.17, Jamshedji Tata Road,
Mumbai – 400 020.
 2. Hindustan Petroleum Corporation Limited,
Regional Office,
Represented by its Senior Regional Manager,
Coimbatore Retail Regional Office,
No.18/3, Big Bazaar Street,
Coimbatore – 641 001.
- ... Petitioners
- Vs.

1. M/s. Om Sakthi Constructions and
Builders, a registered Partnership
Firm Represented by its Partner, Mr.N.Sekar.
2. Mr.N.Sekar,
carrying on business at 27/99,
Donnington Road,
Kothagiri, The Nilgiris – 643217.
3. Pooviya Agencies,
Represented by its Sole Proprietrix,
Mrs.S.Manomani, W/o. Dr.Sureshkumar,
S.F.No.463/3A, Ballathi Village, Kumaran Kundru,
Karamadai, Mettupalayam Taluk.



CRP.No.5205 of 2025

4. Dr.Sureshkumar,
S/o.K.K.Senniappan

5. Mrs.S.Nithya,
W/o. P.Saravanan

6. Mr.K.Janadhanan,
S/o.M.Kannappan

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to strike off the plaint in O.S.No.76 of 2025 on the file of District Munsif of Mettupalayam.

For Petitioner : Mr.M.Vijayan
for M/s.King and Partridge

ORDER

This Civil Revision Petition is filed seeking to strike off the plaint in O.S.No.76 of 2025.

2. The respondents 1 and 2 filed a suit for permanent injunction restraining the petitioner and other defendants from any way interfering with his right of running the petrol bunk as sub-dealer of third respondent herein in Ballathi Village, Mettupalayam Taluk until the respondents 1 and 2/plaintiff are evicted under due process of law.

3. The present revision has been filed by the defendants 5 and 6 on the ground that concept of sub-dealer is not at all recognized by the petitioner and the cause of action alleged in the plaint is an imaginary one and hence the plaint is liable to be struck off. If the cause of action is



CRP.No.5205 of 2025

an imaginary one, the petitioner can very well file an application to reject the plaint by invoking order VII Rule 11 of CPC.

4. When the petitioner has effective remedy before the regular Civil Court under Code of Civil Procedure, this Court cannot invoke its supervisory power under Article 227 of Constitution of India as per law laid down by the Apex Court in the case of ***Virudhunagar Nadargal Dharma Paripalana Shaba Vs. Tuticorin Educational Society*** reported in ***MANU/SC/1365/2019***. Therefore, in view of the availability of effective remedy before the Trial Court for the petitioner under Order VII Rule 7 of CPC, this Court is not inclined to entertain this civil revision petition and accordingly, with liberty to the petitioner to file an application for rejection of the plaint under Order VII Rule 7 of CPC, if he is advised to do so, this Civil Revision Petition is dismissed. No costs. Connected miscellaneous petition is closed. If any such application is filed, it is needless to say the Trial Court to take up the application and disposed the same in accordance with law as early as possible.

29.10.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

Neutral Citation : Yes/No

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WEB COPY



CRP.No.5205 of 2025

S.SOUNTHAR,J.

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To
1. The District Munsif,
Mettupalayam

CRP.No.5205 of 2025

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