



C.R.P.No.5569 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.5569 of 2025
and C.M.P.No.27919 of 2025

Pappathi

... Petitioner

vs.

1.Mohith

Karuppannan (died)

2.Selvi

3.Karuppaiah

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to strike off the plaint in O.S.No.82 of 2021 on the file of the Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Namakkal.

For Petitioner : Mr.D.Shivakumaran

ORDER

The Civil Revision Petition is filed seeking to strike off the plaint in O.S.No.82 of 2021 on the file of the Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Namakkal.

2. The 1st respondent herein filed a suit seeking declaration that final



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decree passed in O.S.No.242 of 2020 on the file of the Additional Sub Court,
Namakkal was invalid and for consequential relief.

3. The learned counsel appearing for the petitioner by drawing the attention of this Court to Order 23 Rule 3-A of Civil Procedure Code, submits that the prayer sought for in this suit is not at all maintainable in view of specific bar under the said provision. Therefore, according to the learned counsel for the petitioner, the suit is barred by Order 23 Rule 3-A of Civil Procedure Code.

4. If the petitioner is of the view the prayer sought for by the 1st respondent herein in the suit is barred by any law, it is open to her to file an application for rejection of the plaint under Order 7 Rule 11 (d) of Civil Procedure Code. Infact, in Ground No.(i), the petitioner clearly stated that the suit ought not to have been taken on file, in view of specific legal bar under Order 7 Rule 11(d) read with Order 23 Rule 3-A of Civil Procedure Code. Therefore, the petitioner has got effective remedy of filing a petition to reject the plaint before the Trial Court.

5. The Apex Court in ***Virudhunagar Hindu Nadargal Dharma***



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Paribalana Sabai and others vs. Tuticorin Educational Society reported in

2019 (9) SCC 538 : MANU/SC/1365/2019, clearly held that when the petitioner has got effective remedy before the Regular Court, this Court shall not exercise the supervisory jurisdiction under Article 227 of the Constitution of India. Following the said decision, this Court is not inclined to exercise its supervisory power under Article 227 of the Constitution of India.

6. Hence, the Civil Revision Petition stands dismissed with liberty to the petitioner to file an application for rejection of the plaint. No costs. Consequently, the connected civil miscellaneous petition is closed.

12.11.2025

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

The Sessions Judge,
Special Court for Trial of Cases under SC/ST (POA) Act,
Namakkal.



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S.SOUNTHAR, J.

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