



C.R.P(MD)No.2528 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **12.09.2025**

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

C.R.P(MD)No.2528 of 2025
and
C.M.P(MD)No.15048 of 2025

Kannan Amalraj

... Petitioner/1st Defendant

Vs.

1.Francis David John

...1st Respondent/Plaintiff

2.The Sub Registrar,
K.Sathanur Sub Registry,
Tiruchirappalli District.

...2nd Respondent/2nd Defendant

PRAYER:Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for records and strike out the plaint in O.S.No.112 of 2025 on the file of the II Additional District Munsif Court, Tiruchirappalli by allowing this Civil Revision Petition.

For Petitioner : Mr.Shangar Murali

ORDER

The instant civil revision petition has been filed to strike off the plaint on the primary contention that the respondents has already



C.R.P(MD)No.2528 of 2025

instituted a suit for specific performance in respect of the very same property.

WEB COPY

2. The learned counsel for the petitioner submits that however, without obtaining leave of the Court, the respondents have filed the present suit seeking a bare injunction in respect of the very same property. Therefore, he submit that the suit is vexatious and an abuse of process of the Court, which is clearly a forum shopping. Therefore, he prays this Court that the plaint filed in O.S.No.112 of 2025 would have to be struck down.

3. I have considered the arguments advanced by the learned counsel for the petitioner and perused the materials available on record.

4. The primordial contention of the petitioner is that the present suit in O.S.No.112 of 2025 is hit by the provisions of the order II Rule 2 of C.P.C. It is true that a suit which has been filed as an abuse of process of Court can be struck down by this Court in exercising its powers under Article 227 of the Constitution of India. However, this Court in exercising such power have to be slow and cautious.



C.R.P(MD)No.2528 of 2025

5. It is be further noted that the petitioner has an altenate remedy of filing an application under Order VII Rule 11 of C.P.C. to reject the plaint. There has been no reason attributed as to why the petitioner had not exercised his right. The petitioner has also right to file an application under Section 10 of C.P.C for stay of the subsequent suit, which has not been done, if it is the case of the petitioner that in a subsequent suit, the divergent view may be taken.

6. There is no explanation given by the petitioner as to why the petitioner has not exercised his rights available under Order VII Rule 11 of CPC. Hence, this court is not inclined to exercise power under Article 227 of the Constitution of India.

7. In fine, the present Civil revision petition is dismissed. The petitioner is at liberty to approach the Court under Order VII Rule 11 of C.P.C or Section 10 of C.P.C. No costs. Consequently, the connected miscellaneous petition is closed.

12.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
sn

3/5



C.R.P(MD)No.2528 of 2025

WEB COPY To

- 1.The II Additional District Munsif Court,
Tiruchirappalli
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P(MD)No.2528 of 2025

K.KUMARESH BABU,J.

SN

C.R.P(MD)No.2528 of 2025

12.09.2025