

**R.Chitra Devi Vs. 1.P.Mayandi**

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**SooperKanoon Citation :** [sooperkanoon.com/965813](http://sooperkanoon.com/965813)

**Court :** Chennai

**Decided On :** Jan-07-2013

**Judge :** G.Rajasuria

**Appellant :** R.Chitra Devi

**Respondent :** 1.P.Mayandi

**Judgement :**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT DATED:

07. 01/2013 CORAM THE HONOURABLE MR.JUSTICE G.RAJASURIA C.R.P.(PD)(MD)No.2758 of 2012 and M.P.(MD)No.1 of 2012 R.Chitra Devi .. Petitioner Vs 1.P.Mayandi 2.Mahalingam 3.Velmurugan 4.Raja Kamatchi .. Respondents Petition filed under Article 227 of the Constitution of India, to call for the records in O.S.No.138 of 2012 on the file of the District Munsif Court, Andipatti and struck off the plaint. !For petitioner ... Mr.M.Pavel ^ :ORDER Heard the learned counsel for the revision petitioner who would echo the heart-burns of his client to the effect that the suit in O.S.No.138 of 2012 has been filed by the plaintiff as against four defendants, of whom the fourth defendant happened to be the revision petitioner, for a declaration that the sale deed in respect of the second item of the suit property executed by the defendants 1 to 3 in favour of the fourth defendant, is null and void; for permanent injunction to remove the present construction made and also for an injunction restraining the fourth defendant and her men from entering into the suit property or construct anything in the suit property. The suit is an abuse of the process of the Court as the fourth defendant

purchased an extent of 8 cents from defendants 1, 2 and 3 and only subsequent to the defendants having purchased the said 8 cents, the plaintiff allegedly purchased an extent of 22 cents from defendants 1 to 3. 2.I would like to point out that this revision involves factual analysis. It is open for the revision petitioner to approach the same Court seeking appropriate relief and Article 227 of the Constitution of India cannot be invoked for the purpose of quashment of the plaint based on factual analysis of the matter. 3.On hearing the pronouncement of the order, the learned counsel for the revision petitioner would make an extempore submission that a direction might be given to the Lower Court to dispose of the suit itself. I see considerable force in his submissions. Accordingly, the Lower Court is directed to dispose of the suit itself within a period of six months from the date of receipt of a copy of this order. 4.The Civil Revision Petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs. KM To The District Munsif, Andipatti.

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