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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-08-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**CRP No. 5112 of 2026
and CMP No.22335 of 2026**

D.Krishnamurthy
S/o. Damodharan

Petitioner(s)

Vs

1. R.Sivakumari
W/o. (late) V.Rajendran

2.S. Varalakshmi
W/o. A.Soundararajan

3.S.A.Bharathi,
W/o. T.V.Durairaj

Respondent(s)

PRAYER

Petition filed under Article 227 of Constitution of India, to set aside the fair and Decretal order dated 01.08.2026 passed in I.A.No.1 of 2024 in O.S.No.253 of 2020 on the file of the Court of Sub-ordinate Judge, Poonamalle.

For Petitioner(s): K.R.Ramesh Kumar

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India against the fair and decreetal order passed in I.A.No.1 of



2024 in O.S.No.253 of 2020, dated 01.08.2026, on the file of the Court of Subordinate Judge, Poonamallee, wherein the application filed by the petitioner under Order I Rule 10 (2) of CPC, to strike off his name came to be dismissed by the Court below.

2.This Court heard the learned counsel for the petitioner and the materials available on record. This Court also went through the order passed by the Court below.

3.The 1st respondent is the plaintiff in the suit in OS.No.253 of 2020, seeking for the relief of declaration to declare the sale deed dated 05.09.2019 as null and void and for permanent injunction. During the pendency of this suit, the application came to be filed in IA.No.1 of 2024, by the petitioner who is the 1st defendant in the suit to strike off his name on the ground that there is absolutely no cause of action against the petitioner and the petitioner is neither a necessary nor a proper party in the suit. The Court below dismissed the said application by order dated 01.08.2026. Aggrieved by the same, the present Civil Revision Petition has been filed before this Court.

4.The main ground that was urged by the learned counsel for the petitioner is that there is absolutely no cause of action as against the petitioner and if at all the suit has to be agitated, it can be only as against the 2nd and 3rd



defendants. It is submitted that the sale deed that has executed by the 2nd defendant in favour of the 3rd respondent is an independent transaction in which the petitioner has no role to play.

5. In the considered view of this Court, the Court below has taken into consideration the various reliefs that has been sought for by the plaintiff in the suit. Even if the first relief that has been sought for to declare the sale deed dated 05.09.2019 as null and void and does not pertain to the petitioner, the other two reliefs have been sought for as against all the defendants. Some averments have also been made in this regard in the plaint. Hence, the extent to which the relief sought for against the petitioner/1st defendant is sustainable, can be ascertained only in the course of trial and while disposing of the main suit. If according to the petitioner, the petitioner is not intending to interfere with the possession and enjoyment of the suit property by the plaintiff, a memo can be filed before the Court below and the Court below can act upon the same and pass appropriate orders.

6. This Court does not find any perversity warranting the interference of this Court in exercise of its jurisdiction under Article 227 of the Constitution of India.



7. In the result, this Civil Revision Petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To

Court of Subordinate Judge, Poonamalle.



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N.ANAND VENKATESH J.

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