

C.R.P(MD)No.1602 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2026

CORAM

THE HON'BLE MR. JUSTICE S.SOUNTHAR

C.R.P.(MD)No.1602 of 2023

and

C.M.P(MD)No.7878 of 2023

A.Sivaraja

.. Petitioners

Vs.

- 1.Panju
- 2.Pitchai
- 3.Sundarammal
- 4.Thangapandi
- 5.Pasupathy
- 6.Mariyammal
- 7.Chokkammal
- 8.Veerammal
- 9.Pasupathy
- 10.Meenakshi
- 11.Yogamani
- 12.Chinnadevi

(No relief is sought for against the respondents 7 to 12
and hence, notice to them may be dispensed with)

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike off the plaint in O.S.No.285 of 2022 pending on the file of the District Munsif Court, Thirumangalam.

For Petitioner : M/s Radhi Sathish

For Respondents : Mr.T.Pon Ramkumar for R1 to R5

No appearance for R6

R7 to R12 - dispensed with

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C.R.P(MD)No.1602 of 2023

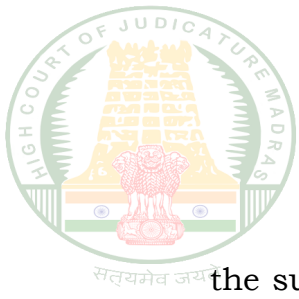
ORDER

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The present Civil Revision Petition has been filed seeking to strike off the plaint filed by the respondents 1 to 5/plaintiff in O.S. No. 285 of 2022, on the file of the District Munsif Court, Thirumangalam.

2. The respondents 1 to 5/plaintiffs instituted the said suit against the petitioner and the other defendants seeking the relief of permanent injunction. According to the plaintiffs, they purchased the suit property under unregistered sale deeds dated 16.04.1994, 16.09.1994, 16.09.1994, 16.09.2001 and 21.06.2004. It is their further case that, pursuant to the execution of the said unregistered sale deeds, the father of the defendants 4 to 8 handed over possession of the suit property to the plaintiffs and that they have been in peaceful possession and enjoyment of the property ever since. Alleging that the defendants attempted to interfere with their peaceful possession and enjoyment, the plaintiffs filed the suit for permanent injunction.

3. The petitioner, who has been arrayed as the eighth defendant in the suit, has filed the present Civil Revision Petition seeking to strike off the plaint. According to the petitioner, the plaintiffs have failed to produce any acceptable material to establish their right over



C.R.P(MD)No.1602 of 2023

WEB COPY

the suit property. It is further contended that the father of the eighth respondent had never executed any unregistered sale deed in favour of the plaintiffs and that the signature found in the document relied upon by the plaintiffs is a forged one.

4. Whether the father of the defendants executed any sale deed in favour of the plaintiffs and whether the signature found therein is genuine or forged are all disputed questions of fact, which can be decided only on the basis of oral and documentary evidence to be adduced by the parties during the course of trial. Such issues cannot be adjudicated in proceedings seeking to strike off the plaint.

5. At the stage of numbering the plaint or while considering a prayer to strike off the plaint, the Court is not expected to examine the sufficiency or adequacy of the evidence produced by the plaintiffs in support of their claim. The plaintiffs are entitled to adduce both oral and documentary evidence during the trial, and it is only upon appreciation of the entire evidence that the trial Court can arrive at a conclusion as to whether the plaintiffs have established their case. Therefore, the contention of the petitioner that the plaintiffs have not produced sufficient evidence along with the plaint to establish their right over the suit property cannot be accepted.



C.R.P(MD)No.1602 of 2023

WEB COPY

6.It is also relevant to note that the suit is one for bare permanent injunction. In such a suit, the plaintiffs are primarily required to establish their lawful possession over the suit property as on the date of filing of the suit. Whether they have succeeded in doing so is a matter to be decided by the trial Court after recording evidence.

7. In the above circumstances, this Court finds that the petitioner has not made out any ground warranting the striking off of the plaint.

8. Accordingly, the Civil Revision Petition is dismissed. However, it is made clear that the petitioner is at liberty to raise all the contentions urged in this Civil Revision Petition before the trial Court by filing an appropriate written statement and to contest the suit on its own merits. The trial Court shall decide the issues independently, uninfluenced by any of the observations made in this order. No costs. Consequently, the connected miscellaneous petition is closed.

01.07.2026

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
skn



C.R.P(MD)No.1602 of 2023

WEB COPY

To

- 1.TheDistrict Munsif Court, Thirumangalam.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P(MD)No.1602 of 2023

S.SOUNTHAR, J.

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C.R.P.(MD)No.1602 of 2023
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