

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.Nos. 334, 335 & 336 of 2018

C.R.P.No.334 of 2018

1.PK.Ramakrishnan
2.R.Prabhu
3.S.Sabari Karthikeyan
4.E.MaleeswaranPetitioners/Defendant 2 to 5

Vs.

1.The President,
Nagaram Ayera Vysiar Sangam
Udumalpet.Respondent/Plaintiff
2.S.Viswanathan2nd Respondent/1st Defendant

C.R.P.No.336 of 2018

1.PK.Ramakrishnan
2.PR.Sathya Bama
3.PR.Prabakaran
4.S.Sabari Karthikeyan
5.E.MaleeswaranPetitioner/Respondent 1 to 5

Vs.

The President,
Nagaram Ayera Vysiar Sangam,
Udumalpet.Respondent/Plaintiff

C.R.P.No.335 of 2018

PK.RamakrishnanPetitioner/3rd Defendant

Vs.

1.The President,
Nagaram Ayera Vysiar Sangam,
Udumalpet.Respondent/Plaintiff

2.PST Narayananadar,

3.Arumugam

...Respondents 2 & 3/Defendant

Prayer in all CRPs: Civil Revision Petitions filed under Article 227 of the Constitution of India, to strike out the complaints in O.S.Nos. 239 of 2013, 290 of 2014 and 227 of 2014 on the file of the District Munsif, Udumalpet.

For Petitioners in all CRPs : Mrs.A.L.Ganthimathi

For Respondents in all CRPs : No Appearance

O R D E R

These three revisions have been filed under Article 227 of the Constitution of India seeking to strike out the complaints in O.S.No.239 of 2013, 227 of 2014 and 290 of 2014.

2. Heard Mrs.A.L.Ganthimathi, learned counsel for the petitioners in all the three revisions.

3. The suit filed by the first respondent / Sangam for various reliefs claiming title over the suit properties. Some sale deeds executed during the year 1983 by some third parties are also impugned in the suits. Mrs.A.L.Ganthimathi, learned counsel for the petitioners / defendants in all the three suits would contend that the properties do not belong to the first respondent / Sangam in as much as the Sangam itself was found in the year 2011 whereas the sale deeds in favour of their vendors were executed in the year 1983. Therefore, Sangam has no title over the properties. It is also claimed that there was some earlier proceedings in O.S.No. 317 of 1996 which is a suit for recovery of possession filed by P.K.Ramakrishnan against five individuals, the same was decreed and in execution of the said decree, he had taken possession of the properties.

4. I do not think, these pleas, even if true, can form basis for striking of the complaint under Article 227 of the Constitution of India. The plaintiff Sangam is claiming title to the properties and on the basis of such title it is claiming various reliefs in the suits. Admittedly, Sangam is not a party to sale deeds or the proceedings in O.S.No.317 of 1996 therefore, those sale deeds or the proceedings in O.S.No.317 of 1996 cannot form basis to deny the title claimed by the Sangam or to reject the suits filed by the Sangam. All the questions will have to be decided on evidence after trial.

5. Hence, I do not see anything to strike out the complaints exercising the supervisory jurisdiction under Article 227 of the Constitution of India and the same could be invoked only in

cases where the suit on the face of it barred under law or an abuse of process of Court. This Civil revision petition fails and it is accordingly dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kkn

To

The District Munsif Court,
Udumalpet.

+1cc to M/s.A.L.Ganthimathi, Advocate, SR.No.28747

C.R.P.Nos. 334, 335 & 336 of 2018

BS (CO)
RN(21/10/2020)



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