



C.R.P (PD) No.1330 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2022

CORAM: **JUSTICE N.SESHASAYEE**

C.R.P (PD) No.1330 of 2022
and C.M.P. No.7002 of 2022

D.Saroja

... Petitioner

Vs.

1.Rani

2.Sankari

... Respondents

PRAYER: The Civil Revision Petition filed under Section 115 of the Civil Procedure Code to set aside the orders of the learned Principal Subordinate Judge of Chengalpattu dated 08.02.2022 in I.A. No.2 of 2021 in O.S. No.155 of 2019.

For Petitioner

:

Mr.V.Nicholas



ORDER

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The plaintiff and certain Jayalakshmi are sisters. The plaintiff contends that by succession, she and her sister Jayalakshmi became jointly entitled to 36 cents or in other words, 18 cents each. While so, Jayalakshmi had sold the entire extent of 36 cents vide sale deed dated 07.04.1997. The plaintiff contends that she came to know of this transaction only in 2015 and proceeded to lay a suit for declaration of her title in 2019. The revision petitioner herein is one of the subsequent purchasers of the property.

2. In this setting, the revision petitioner has taken out an application in I.A. No.2 of 2021 for rejection of the plaint on the ground that the suit cannot be maintained, since the plaintiff claims only about the sale deed which Jayalakshmi had executed even in 2015, yet waited till 2019 to file the suit.

3. This application came to be rejected by the trial court, which in its order, *inter alia* has found that there was a certain suit in O.S. No.255 of 2015 between the present revision petitioner and a certain Manivannan and that the plaintiff had obtained knowledge only from the date of disposal of the suit. It is to be underscored that the plaintiff is not a party to that suit. This order of the



trial court is now on challenge.

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4. On perusal of the plaint, this court finds that there are as many as eight major reliefs sought in the suit, of which the first of the reliefs is, seeking a declaration of title of the plaintiff over 18 cents of the property. The other reliefs pertain to declaration of few sale deeds as null and void, which commences with prayer (b) wherein the plaintiff seeks declaration that the sale deed dated 07.04.1997 is a fabricated document. If the plaintiff is not a party to the document, she may well ignore the document and can proceed to seek declaration of her title. The fact that she has sought declaration of the said sale deed as null and void, does not *ipso facto* take away her right to sustain the prayer seeking declaration of her title to the suit property. The best case scenario for revision petitioner therefore is that prayers (b) to (f) may perhaps go, but not relief (a), which is the fulcrum for the plaintiff's case. Hence this court, therefore, may not appreciate the submissions of the learned counsel for the revision petitioner and does not find a reason to interfere with the order of the trial court.

5. Accordingly, this revision is dismissed. However, there is no order as to



C.R.P (PD) No.1330 of 2022

costs. Consequently, the connected civil miscellaneous petitions are closed.

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Asr

To
The I Additional District Judge, Coimbatore

N.SESHASAYEE, J.,



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C.R.P (PD) No.1330 of 2022

Asr

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