



CRP No.210 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM :

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No.210 of 2022
& CMP No.1701 of 2023

Prakash

....Petitioner

-Vs-

Kowsalya

.... Respondent

Prayer : Civil Revision Petition under Article 227 of the Constitution of India, to set aside the fair and decretal order of the Court below in I.A No.6 of 2022 in O.S No.14 of 2022 dated 15.09.2022, on the file of the Principal District Court, at Villupuram as being illegal, incompetent and without jurisdiction.

For Petitioner : Mr.Avinash Wadhwan

For Respondent : Mr.S.Parthasarathy senior Counse
for Mr. K.Kumaraguru

ORDER

This Civil Revision petition has been filed to set aside the fair and decretal order in I.A No.6 of 2022 in O.S No.14 of 2022 dated 15.09.2022, on the file of



the Principal District Court, Villupuram.

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2.The Revision petitioner herein is the defendant in suit O.S No. 14 of 2022, on the file of the Principal District Court, Vellore, filed by the respondent herein for the relief of the declaration. The respondent/petitioner herein also contested the suit by filing written statement. While so, the petitioner herein filed I.A No. 6 of 2022 in O.S No. 14 of 2022 before the Principal District Court, Villupuram, to reject the plaint by stating that the respondent introduced herself as teacher and she was working as an agent of Peyarlas, Dal UTS Sudar and purchased the property from the income derived from the real estate and also admitted she is one of the share holder of that company. Further the petitioner along with other 25 members in the village deposited as sum of Rs.2,63,00,000/- through their bank account, Google pay and also by way of cash to the plaintiff and the plaintiff/respondent assured that he will invest the amount in the company referred above and get the profit from the above amount. But the respondent evaded to pay the amount. Instead of paying the money she threatened with rowdy elements. Therefore the petitioner filed complaint before the District Crime Branch on 07.09.2021 and the FIR was filed in crime No. 30 of 2021 against the respondent and she was arrested and released on bail. Further the son of the plaintiff/respondent was absconded and anticipatory bail was filed



in Crl.M.P No. 8491 of 2021 and granted bail, in which, the plaintiff/respondent executed the sale deeds on 01.12.2021 bearing document No. 3109 of 2021 before the Valavanur Sub Registrar and through Doc.No. 6010/2021 dated 07.12.2021 before the Villupuram Sub Registrar-II. In the said document, the respondent had stated that she had received the sale consideration in number of installments and also received money through cash and bank deposits. The plaintiff executed the document only after receipt of consideration. Now, suppressing above facts the respondent filed suit by stating that the suit property was forcefully obtained by the petitioner coercively. Hence he prayed to reject the plaint. On the other side, the plaintiff/respondent filed objection stated that she have valid defence to prove her case as the suit property was obtained by the petitioner coercively. On considering both sides submission, the Trial Court dismissed I.A No. 6 of 2022 in O.S No. 14 of 2022. Challenging the same present revision petition has been filed.

3. The learned counsel for the petitioner submitted that while obtaining anticipatory bail the respondent settled the suit property in favour of the plaintiff/petitioner vide document No. 3109 of 2021 before the Valavanur Sub Registrar and through Doc.No. 6010/2021 dated 07.12.2021 before the Villupuram Sub Registrar-II. But suppressing the above, the respondent filed



the suit by stating that suit property was obtained coercively. Hence the petitioner filed the petition to reject the plaint but the Court below erroneously dismissed the application which is liable to be set aside.

4.The learned counsel for the respondent submitted that if at all suit property was obtained by the petitioner by way of coercive way it can be decided only after considering the both side evidences. Hence the Trial Court rightly dismissed the petition which needs no interference.

5. Considering the the fact, the allegation of the respondent is that the suit property was obtained by the petitioner by way of coercion and undue influence, however it is decided only after considering the oral and documentary. Hence this Court does not find reason to reject the plaint. However, the petitioner is entitled to work out his remedy before the Trial Court by adducing his valid defence. Hence, the order of the Trial court in I.A No. 6 of 2022 in O.S No. 14 of 2022 is confirmed. Further, the liberty is given to both the parties to adduce their additional evidence.

6. Accordingly this Civil Revision Petition is disposed of. No costs.

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