



C.R.P. Nos.2135 and 2136 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 29.03.2023

CORAM: **JUSTICE N.SESHASAYEE**

C.R.P. Nos.2135 and 2136 of 2015
and M.P.Nos.1 and 1 of 2015

CRP.No.2135 of 2015 :

1.Anuradha

2.Ravi Sundaram @ Ravi

... Petitioners / Petitioners /

Defendants 4 & 3

Vs.

1.S.Jamuna

2.S.Jesuraj

3.Chittaraj

4.Good Will Estates

Rep. by Mr.R.Chittar Raj

No.136, New No.136/2, Valasaravakkam

Chennai - 600 087.

5.Murali

C/o. Vettri Associates

No.3, Sri Devi Garden Main Road

Valasaravakkam

Chennai - 600 087.

...Respondents / Respondents / Plaintiffs,

Defendants 1, 2 & 5



C.R.P. Nos.2135 and 2136 of 2015

CRP.No.2136 of 2015 :

1.Anuradha

2.Ravi Sundaram @ Ravi

... Petitioners / Petitioners /

Defendants 2 & 3

Vs.

1.S.Jamuna

2.S.Jesuraj

3.Chittaraj

4.The Sub Registrar
Sub Registrar Office, Pammal.

5.The Assistant Engineer (Operation & Maintenance)
Tamil Nadu Electricity Board, Kuntrathur.

6.The Assistant Engineer (Operation & Maintenance)
Tamil Nadu Electricity Board, Girugambakkam.

7.The President
Thandalam Panchayat, Thandalam Village.

8.The District Collector
Kanchipuram Taluk, Kanchipuram.

9.The Tahsildar
Sriperumbudur Taluk, Sriperumbudur.

10.Thangaraj
Village Administrative Officer
Thandalam Village.



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- 11.Gurumoorthy
- 12.P.Pandi
- 13.G.Maheswari
- 14.S.Parimala
- 15.Ganesan
- 16.J.Lingaraj
- 17.Sanjai Babu
- 18.S.Gayatri
- 19.S.Murugavel
- 20.M.Parimala
- 21.Jothilingam
- 22.R.Vijayalakshmi
- 23.R.Rajesh
- 24.B.Ramesh

...Respondents / Respondents / Plaintiffs,
Defendants 1,2,5, 18 to 24, 4,5,7 to 17

Prayer in CRP.No.2135 of 2015: Civil Revision Petitions filed under Article 227 of Constitution of India, praying to set aside the fair and decretal order dated 10.04.2015 made in I.A.No.1620 of 2011 in O.S.No.119 of 2011 on the file of District Munsif cum Judicial Magistrate at Sriperumbudur.

Prayer in CRP.No.2136 of 2015: Civil Revision Petitions filed under Article 227 of Constitution of India, praying to set aside the fair and decretal order dated 05.03.2015 made in I.A.No.907 of 2012 in O.S.No.318 of 2011 on the file of District Munsif cum Judicial Magistrate at Sriperumbudur.



C.R.P. Nos.2135 and 2136 of 2015

In CRP.No.2135 of 2015:

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For Petitioners	: Mr.K.Elango
For Respondents	: Ms.Anita P.Jason [R1] - No Appearance R3 to R5 - No Appearance

In CRP.No.2136 of 2015:

For Petitioners	: Mr.K.Elango
For Respondents	: Ms.Anita P.Jason [R1] No Appearance Ms.J.Hemalatha Gajapathy for R5 Dr.S.Suriya, Addl. Govt. Pleader R7 to R9

COMMON ORDER

These revisions are preferred by the defendants 2 & 3 in O.S.No.318 of 2011 who are arrayed as defendants 3 & 4 in O.S.No.119/2011, challenging the order of the trial Court dismissing their applications filed for rejection of plaint in both the above suits.

2. The second plaintiff / second respondent is dead, their legal representatives are not brought on record yet. This Court ordered notice to the counsel for the second respondent before the trial Court, and this Court was informed



that the same counsel who had entered appearance earlier before this Court is the very counsel for the second respondent before the trial Court.

3. The revision petitioners are the defendants 2 & 3 in O.S.No.318 of 2011, and defendants 3 & 4 in O.S.No.119/2011. They are the purchasers through the brother of the first plaintiff, the first defendant herein. The first defendant had misused the power of attorney created in his favour by the first plaintiff, and alienated the suit property to the revision petitioners. It is in this circumstances, the plaintiffs have laid O.S.No.119/2011 for bare injunction and O.S.No.318 of 2011 for a declaration that the sale deed executed dated 15.12.2004 in favour of revision petitioners, as null and void.

4. In this circumstances, the revision petitioners, the purchasers under the said sale deed had taken out applications in I.A.No.1620 of 2011 and I.A.No.907 of 2012 for rejection of plaint. The core allegation is that the plaintiffs have filed yet another suit for partition and the same is pending. This apart, the first plaintiff in the suit is said to have executed the Power of Attorney in the name of her brother, the first defendant from whom the revision petitioners have purchased the property.



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5. After weighing the rival contentions of the revision petitioners for their merit, the trial Court found it untenable and dismissed the applications and hence, these revision petitions.

6. Heard the learned counsel for the revision petitioners and perused the records. On perusing the orders of the trial Court, this Court finds that the orders in I.A.No.1620 of 2011 and I.A.No.907 of 2012, are in order. The nature of dispute arise in the suit involves the investigation of facts, and that process cannot be short circuited merely on the optimism of the defendants about a probable success in their favour.

7. This Court does not find any merit and hence, both the revision petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

29.03.2023

Index : Yes / No
Speaking order / Non-speaking order
ds



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To:

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- 1.The District Munsif cum Judicial Magistrate
Sriperumbudur.
- 2.The Section Officer
VR Section, High Court, Chennai.



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N.SESHASAYEE, J.,

ds

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29.03.2023