



WEB COPY



CRP No.4172 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 15.12.2023

CORAM :

**THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI**

**Civil Revision Petition No.4172 of 2023**  
**and C.M.P. No. 25414 of 2023**

1. M.K.Harshidha Priyadharshini,  
D/o. Kirubakaran

2. P.M.Kirubakaran  
S/o.M.P.Manoharan

... Petitioners

Vs.

1. R.Ravikumar,  
S/o.M.Radhakrishnan

2. R.Girija,  
W/o.R.Ravikumar

...Respondents

Prayer : Civil Revision Petition filed Under Article 227 of Constitution of India, praying to strike off the plaint, as it is settled law that when suit filed is a clear abuse of process, the suit can be struck off by restoring the said Article of the Constitution of India.

For Petitioners : Mr.J.Sudhakaran

For Respondents : Mr.A.E.Ravichandran



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## **ORDER**

**WEB COPY** This Civil Revision Petition has been filed to strike off the plaint.

2. Learned counsel for the petitioners contended that in order to get over the FIR against the respondents/plaintiffs in Crime No.338 of 223 for the offences under Sections 120B, 406, 420, 465 and 471 of IPC, the respondents/plaintiffs have filed this Civil Revision Petition.

3. The respondents/plaintiffs have executed a mortgage deed on 15.02.2022 in favour of the 2<sup>nd</sup> defendant and thereafter, they were surprised to know that on 15.02.2022, instead of mortgage deed a sale deed was registered in favour of the 2<sup>nd</sup> defendant. Assuming without admitting that the only relief that could be sought by the plaintiffs would be for declaration declaring that the sale deed is null and void. However, the plaintiffs had sought for a relief in the suit for declaring that the sale deed dated 15.02.2022 registered as Doc.No.1098/2022 is to be declared as mortgage deed. Therefore, the same can be rejected as a clear case of abuse of process of law.

4. Heard Mr.J.Sudhakaran, learned counsel appearing for the petitioners.



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5. Records perused and it reveals that there is a dispute between the parties in respect of executing the document. However, as on date it is a sale deed, but on the plaintiff averments, they narrated the law of facts that they paid payment. Therefore, liberty is granted to the petitioners/defendants to work out their remedy in the manner known to law in the suit filed by the respondents/plaintiffs.

6. The Trial Court is directed to dispose of the suit in O.S.No.4956 of 2023 within a period of six(6) months from the date of receipt of a copy of this order.

7. Accordingly, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**15.12.2023**

Index : Yes/No  
Speaking/Non Speaking order  
Neutral Citation: Yes/No  
mp

**T.V.THAMILSELVI, J.**



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To

1. The XVI Additional Judge, City Civil Court, Chennai.
2. The Section Officer,  
VR-Section, High Court of Madras.

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