



C.R.P(MD).No.680 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P(MD).No.680 of 2023

and

CMP(MD)No.3161 of 2023

1.Suriyalakshmi

2.Sanjeevi Raja

3.Subramaniam

4.Sundaravel

... Petitioners/Defendants

Vs.

1.Sivamuthu

2.Uma

3.Ananthi

... Respondents/Plaintiffs

PRAYER:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to struck off the plaint in O.S.No.198 of 2022 on the file of District Munsif Court, Virudhunagar at Virudhunagar District.

For petitioners : Mr.S.M.Ramasiva

ORDER

This petition has been filed to strike off the plaint in O.S.No.198 of 2022 on the file of District Munsif Court, Virudhunagar at Virudhunagar District.

2.The petitioners are the defendants in O.S.No.198 of 2022 before the District Munsif Court, Virudhunagar. The said suit has been filed by the respondents herein.



3.The specific case of the petitioners is that the respondents/plaintiffs in O.S.No.198 of 2022 have filed a suit for partition of suit schedule property and that a judgment and decreed came to be passed based on the settlement/compromise dated 11.12.2015, pursuant to which, settlement deed was also executed on 16.03.2016. It is submitted that the Court below after transferring the above suit from the Principal District and Sessions Court, Srivilliputhur, to the Additional District Court, Virudhunagar, found that there was no compromise and therefore, the case was directed to be taken up for hearing.

4.It is submitted that on the strength of the alleged settlement deed, the respondent/plaintiff signed a sale agreement with the first petitioner's husband for a sum of Rs.4,08,96,800/- on 04.11.2020 and a sum of Rs.15 lakhs was received as advance out of total sale consideration amount of Rs.51 lakhs. After the death of the first petitioner's husband, the petitioners approached the respondents to come forward to execute the sale deed in terms of the agreement entered with the first petitioner's husband Late.Shankar Guru Anand. Therefore, a number of criminal proceedings have been initiated against the petitioners. It is further submitted that the respondents have also entered into similar agreement with the other persons also and have cheated them in respect of the same land.



5.It is further submitted that O.S.No.198 of 2022 has been filed for a permanent injunction by the respondents herein has to be struck-off as they have approached the Court with unclean hands. It is submitted that the Court ought not have numbered the suit, the plaintiff has approached the Court with unclean hands. In this connection, a reference was made to the decision of the Division Bench of this Court in **M.Lilly Vs. The District Collector, Tiruvallur**, in **W.A.No.367 of 2017 order dated 11.10.2017**.

6.In my view, the attempt of the petitioners to scuttle the proceedings before the Trial Court in O.S.No.198 of 2022 without filing written statement and without trial, under Section 227 of Constitution of India is not correct.

7.The prayer of the petitioners to struck-off the plaint in O.S.No.198 of 2022 on the strength of the alleged transaction between the first petitioner's husband and the respondents/plaintiffs in O.S.No.198 of 2022 cannot be decided under 227 of Constitution of India. The Trial Court can come to a fair conclusion one way or other and decide the issue only trial.

8.The petitioners are therefore directed to file written statement and also file appropriate application for rejecting the plaint if any of the



C.R.P(MD).No.680 of 2023

circumstances under order VII Rule 11 of CPC is attracted before the Trial Court. The Trial Court shall endeavour to bring a speedy disposal of O.S.No. 198 of 2022.

9. With the above direction, this Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

14.03.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No

dss

To

1. The District Munsif Court, Virudhunagar at Virudhunagar District.
2. The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P(MD).No.680 of 2023

C.SARAVANAN,J.

Dss

C.R.P(MD).No.680 of 2023
and
CMP(MD)No.3161 of 2023

14.03.2023