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C.R.P.(PD).No.987 of 2024

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

**DATED : 19.03.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**C.R.P.(PD).No.987 of 2024**

**and**

**C.M.P.No.5065 of 2024**

1.Radha Rukmani

2.Podhumani

... Petitioners

VS

1.G.Rathina

2.Krishnaveni

... Respondents

**Prayer:** Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to allow the Civil Revision Petition setting aside the Fair and Decretal Order of the learned Addl. District Munsif, Vellore, Vellore District dated 05.01.2024 in O.S.No.284 of 2015 and to order the said I.A. as prayed.

For Petitioners : Ms.Shruthi Thilak  
for M/s.T.M.Hariharan

**ORDER**



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**WEB COPY** The Civil Revision Petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioners seeking rejection of the plaint in O.S.No.284 of 2015.

2. The respondents herein filed a suit for permanent injunction against the petitioners. The respondents claimed right and title over the suit properties based on the Sale Deed dated 16.12.2013. Pending suit, on application filed by the petitioners, the District Registrar, Vellore passed order cancelling the Sale Deed in favour of the respondents. Therefore, the present application has been filed by the petitioners seeking rejection of the plaint on the ground that there was no cause of action for filing the suit. The Trial Court dismissed the said application. Aggrieved by the same, the petitioners are before this Court.

3. The learned counsel appearing for the petitioners submitted that the respondents based their claim under the Sale Deed dated 16.12.2013 and the same has been cancelled subsequent to the filing of the suit by the District Registrar, Vellore and hence, very foundation of the respondents' case is



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shattered. In such circumstances, the respondents are not entitled to maintain a suit for permanent injunction.

4. The suit is for permanent injunction. The essential question to be decided is the alleged possession of the respondents over the suit properties. The respondents in their counter to the petition for rejection of the plaint had stated that as a person in possession of the suit property, they were entitled to maintain a suit for permanent injunction. Further, the Sale Deed dated 16.12.2013 was cancelled by the District Registrar, Vellore subsequent to filing of the suit.

5. It is settled law, at the time of considering the application for rejection of the plaint, the Court is only concerned with the averments found in the plaint and it cannot take into consideration the subsequent events and reject the plaint. In such circumstances, I do not find any error in the order passed by the Trial Court dismissing the application filed by the petitioners seeking rejection of the plaint. However, dismissal of the civil revision petition will not come in the way of petitioners raising the very same point at



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the time of final disposal of the suit.

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6. With these clarifications, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

**19.03.2024**

Index : Yes / No  
Speaking order : Yes / No  
Neutral Citation : Yes / No  
dm



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To

The Addl. District Munsif,  
Vellore, Vellore District.



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**S.SOUNTHAR, J.**

dm

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**19.03.2024**