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C.R.P.(NPD).No.23 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(NPD).No.23 of 2021

A.Bhuvaneswari

... Petitioner

VS

1.A.V.Paramaguru

2.Vinay Kumar Bhatia

3.V.Durga Devi

4.S.Srivenkatesan

5.B.R.Sumathy

6.The Sub Registrar,
Joint – 1,
Sub Registrar Office,
Saidapet,
Chennai – 600 015.

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order in OSSR.No.5416 of 2020 on the file of III Assistant Judge (FAC) I Assistant Judge, I ASSISTANT CITY CIVIL COURT AT CHENNAI dated 29.07.2020 by allowing the above Civil Revision Petition.



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For Petitioner : Mr.M.Saravanakumar
For R3 : Ms.E.Angayarkanni
For R6 : Mr.V.Jeevagiridharan
Additional Government Pleader
For R1, R3, R4
and R6 : Notice Served
For R2 : No Such Addressee
For R5 : Vacated

ORDER

The Civil Revision Petition is filed challenging the order passed by the Trial Court rejecting the plaint filed by the petitioner seeking declaration that Sale Deed executed by 4th defendant in favour of 2nd defendant dated 02.07.2014, Sale Deed executed by 1st defendant in favour of 4th defendant dated 03.01.2014, Sale Deed executed by 5th defendant in favour of 1st defendant dated 22.07.2004 were null and void, not binding on the petitioner and for permanent injunction restraining the respondents from encumbering or alienating the the suit schedule property and also for injunction restraining the respondents from disturbing the petitioner's possession and enjoyment of the suit schedule property.

2. It is the specific case of the petitioner that 1st respondent/1st



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defendant was original owner of the suit property and he entered into suit sale agreement for purchase of the suit property and violating the terms of the said sale agreement, these documents were executed by the defendants. The Trial Court held that without seeking specific performance of the agreement in favour of the petitioner, he is not entitled to maintain a prayer seeking declaration with regard to the sale transaction made by the defendants and rejected the plaint even without numbering. Aggrieved by the same, the petitioner is before this Court.

3. Against the order, rejecting the plaint, an appeal shall lie before the regular First Appellate Court. Hence, an order rejecting the plaint is not revisable. In such circumstances, the Civil Revision Petition is not at all maintainable before this Court. Accordingly, the Civil Revision Petition is dismissed with liberty to the petitioner to file regular first appeal. No costs.

20.02.2024

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



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S.SOUNTHAR, J.

dm

1.The III Assistant Judge (FAC) I Assistant Judge,
I ASSISTANT CITY CIVIL COURT, CHENNAI.

2.The Sub Registrar,
Joint – 1, Sub Registrar Office,
Saidapet, Chennai – 600 015.

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