



C.R.P.(PD).No.4042 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.09.2024

CORAM

THE HONOURABLE Mr. JUSTICE

V.LAKSHMINARAYANAN

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&

C.M.P.No.20971 of 2022

M/s.Mahindra World City Developers Ltd.,
Represented by its Senior General Manager,
Legal R.Eswaran, S/o V.Ramachandran,
Mahindra Towers, 17/18 Pattullous Road,
Chennai – 600002.

...Petitioner

Vs.

1.T.S.Ramesh

2.T.S.Kannan

3.Ponnu Kannammal

4.P.Mohan Kumar

5.P.Srinivasan



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6.C.Chandrasekar

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7.M/s.Om Shakthy Agencies (Madras)
Private Limited,
Represented by its Director
R.Ramachanthran,
TS-65, Industrial Estate,
Ekkaduthangal, Guindy,
Chennai – 600032.

8.Axis Bank Limited,
“Trishul” 3rd Floor, opposite
Samartheshwar Temple,
Law Garden, Ellis Bridge,
Ahmedabad 380 006.

...Respondents

Prayer: Petition filed under Article 227 of the Constitution of India to strike of the plaint filed in O.S.No.70 of 2021 on the file of the District Munsif, Ponneri.

For Petitioner : Mr.Srinath Sridevan
Senior Counsel
For M/s.Aishwarya S. Nathan

For Respondents : M/s.D.Anita
1 & 2

For Respondent 3: Mr. A.Jinasenan



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For Respondents : Given up.
4 to 7

For Respondent 8: Mr. O.S.Karthikeyan.

ORDER

Heard Mr.Srinath Sridevan, learned Senior Counsel for Ms.Aishwarya S Nathan.

2. This is a revision filed to strike off the plaint. Mr.Srinath Sridevan would urge that the suit is barred by virtue of the Benami Transactions (Prohibition) Act, 1988. He would state that the entire suit is an abuse of process of law. Having sold the property in the year 2010, the plaintiffs have been set up by the defendants 1 to 3 to file the present suit. He would plead that his client is an innocent purchaser of the property and cannot be mulcted with the litigation nearly 5 years after he has developed a township under the Special Economic Zones Act, 2005.



3. I have carefully considered the arguments of Mr.Srinath Sridevan.

4. In the order passed in C.R.P.(MD).No.671 of 2022 dated 23.08.2004, Mr. Justice D.Bharatha Chakravarthy has taken a view that while the Court possess jurisdiction to strike off a plaint, it should involve urgency or a situation must exist where relegating the parties to contest the matter before the Court itself would be injustice to the parties.

5. Mr.Srinath Sridevan asserts that his client is in possession of the property and therefore, by relegating the petitioner to approach the Trial Court would not be put it to any prejudice.

6. Consequently, while dismissing the Civil Revision Petition, liberty is granted to the civil revision petitioner to move an



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appropriate application either under Order VII Rule 11 or Order VI Rule 16 of the Code of Civil Procedure, or both before the Trial Court, seeking for appropriate relief that is sought for in this revision. In case such an application is filed, the Trial Court shall dispose of the same as expeditiously as possible.

7. With the above observation, the Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

04.09.2024

Index : Yes/No
Internet : Yes/No
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To

The District Munsif,
Ponneri.



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V.LAKSHMINARAYANAN, J.

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