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C.R.P. (PD) .No. 4366 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2024

CORAM

THE HONOURABLE Mr. JUSTICE

V.LAKSHMINARAYANAN

C.R.P.(PD).No. 4366 of 2024

&

C.M.P.No. 24331 of 2024

- 1.N.Murugan
- 2.Amutha Shanmugam
- 3.M.Kannappan
- 4.M.Venkatswaran
- 5.V.Subburam
- 6.M.Vasanthi
- 7.J.Jalendran
- 8.S.Syed Shahajada
- 9.S.Rajeswari
- 10.S.Santhi



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11.B.Venkatesan

12.A.Venkatesan

13.M.Deivanai

14.M.Senthil

15.R.Vijayasankar

16.S.R.Geetha

17.A.L.Appajiraman

18.A.Saravanaraman

19.S.Prabakaran

20.R.Sumathi

21.T.Parthasarathi

22.K.Rasu

23.S.K.Chinnasamy

24.S.K.Subramanian

25.R.Premraj

26.V.Navaneethakrishnan

27.R.Gunasekaran



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28.Jayanthi

29.R.Thangavel

30.Lavanya

31.N.Balaji

32.R.Alamelu

33.V.Sachithanandham

34.V.Govardhanan

35.K.Balasubramanian

36.R.Govindarajan

37.V.Vijaya Ammal

38.V.Shailendranath

39.V.Rajasundaram

...Petitioners

Vs.

1.Jayanthi

2.Balasubramanian

3.Arumugam

4.Lakshmi



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5.Rajamani

6.Radha

7.Rukmani

8.A.Maninilavan

9.S.Srinivasan

10.L.Paramanandhan

11.M.Dolly Bai

12.B.Sathyapriya

13.K.Gopalakrishnan

14.Usharani

15.R.Soundararajan

16.Suriya Bai

17.V.Rnganathan

18.Bangaru Krishnamoorthy Reddiar

19.R.Subburaya Pathar

20.S.Lakshmi

21.M.Velayudham



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22.N.Kalaiselvi

23.The Commissioner
Cuddalore City Corporation,
Cuddalore – 607 001.

24.The Superintending Engineer,
TANGEDCO
having office at Capper Hills,
Cuddalore – 607 004.

...Respondents

Prayer: Petition is filed under Article 227 of the Constitution of India for striking of the plaint in O.S.No.316 of 2024 on the file of the I Additional District and Sessions Court, Cuddalore.

For Petitioner : Mr. S.Mukunth
Senior Counsel
for Mr. M.Kaviveerappan

For Respondents : Mr. R.Siddharth
23 & 24 Government Advocate.

ORDER



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The case of the plaintiffs is that the property belonged to one Rajamani Ammal. She was married to one Ramachandran. They did not have any issues. Therefore, they brought up one Srinivasa Chettiar as their foster son.

2. Rajamani Ammal executed a "WILL" on 17.10.1929, granting life estate to Srinivasa Chettiar and the remainder issued to the children born to Srinivasa Chettiar. According to them, Srinivasa Chettiar enjoyed the property without having any title to the same.

3. The petitioners are the defendants in the suit. They plead that these properties did not belong to Rajamani Ammal but were purchased by Srinivasa Chettiar from one Vijayabalaiya and in turn sold it to Muthukumaraswamy Chettiar. Thereafter, the legal representatives of Muthukumaraswamy formed a layout and sold the properties to petitioners 1 to 39 and respondents 8 to 22.



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4. Mr.S.Mukunth, learned Senior Counsel pleads that the plaintiff has not produced the documents of title in order to show Rajamani Ammal had declarable interest over the suit property. Hence, there is no cause of action for the suit.

5. A reading of paragraph No.3 of the plaint shows a specific plea that has been taken by the plaintiff, namely, Rajamani Ammal was the owner of the property.

6. Mr.S.Mukunth is right that the title document of Rajamani Ammal has not been filed. The purpose of Order VII Rule 14 (3) of the Code of Civil Procedure is to enable a plaintiff, who has not filed documents, to file the same at a later date with the leave of the Court. It is also not unknown for a life estate holder to have alienated his life interest over the property. The plaintiff's claim is that the said Srinivasa Chettiar did not have absolute right to alienate the property.



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This pleading discloses cause of action.

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7. It is not a case of total lack of cause of action. As argued by Mr.Mukunth, cause of action may be proved to be a false one. Those are matters for Trial. A reading of the plaint shows cause of action exists. Therefore, I am not inclined to strike off the plaint.

8. It is open to the petitioners to file an application under Order VI Rule 16 of the Code of Civil Procedure and plead before the Trial Court, the present suit is an abuse of process of Court. Subject to this liberty, the Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

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Index : Yes/No
Internet : Yes/No
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To

The I Additional District and Sessions Court,
Cuddalore.



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V.LAKSHMINARAYANAN, J.

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