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C.R.P.(PD)NO.142 OF 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10 / 10 / 2025

CORAM :

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

C.R.P.(PD)NO.142 OF 2022

AND

C.M.P.NO.771 OF 2022

M.Sownthar Raj S/o.Muthaiah Assan
Tinyshed No.15,
M/s.Jasmine Traders,
SIDCO Industrial Estate,
Sirumugai Post, Mettupalayam Taluk,
Coimbatore – 641 392.

... Petitioner/Petitioner/
Plaintiff

Versus

1.R.Govindaraj S/o. Rangasamy
Proprietor,
RGR Engineering Works,
Main Road, Sirumugai,
Mettupalayam Taluk, Coimbatore District.

2.P.Perumal
S/o. Palani
11-D-1, Anna Nagar, Sirumugai,
Mettupalayam Taluk, Coimbatore District.

3.G.Venkatachalam
S/o.Govindappa Gounder
No.6/241, South East Street,
Sathy Main Road, Sirumugai,
Mettupalayam Taluk, Coimbatore District.

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4.K.Velappan S/o. Karuppa Gounder
Vijai Industries,
Main Road, Sirumugai,
Mettupalayam Taluk, Coimbatore District.

5.E.D.Kailasam
S/o. Dhoddanna Gowder
1/93, Elagampalayam,
Sirumugai, Mettupalayam Taluk,
Coimbatore District.

6.Ganesh Kumar
S/o.V.S.Ramasamy
K.K.Pudur, Coimbatore District.

7.The Superintending Engineer,
Coimbatore Electricity Distribution Circle North,
Tamil Nadu Electricity Board,
Coimbatore – 641 012.

8.The General Manager,
Small Industries Development Corporation,
Chennai.

9.The Branch Manager,
Small Industries Development Corporation,
Industrial Estate,
Kurichi, Coimbatore.

... Respondents/Respondents/
Defendants

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the Fair and Final Order dated November 10, 2021 passed by the Learned District Munsif, Mettupalayam in I.A.No.2 of 2021 in O.S.No.56 of 1996.



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For Petitioner : Mr.A.Sriram for Mr.L.Mouli
For Respondents – 1 to 5: Served – No appearance
For Respondent – 6 : Notice not ready
For Respondent – 7 : Mr.E.Kailash Raj for Mr.S.T.Raja
Standing Counsel for TANGEDCO
For Respondent – 8 : Mr.M.Elangovan

ORDER

Feeling aggrieved by the dismissal Order dated November 10, 2021 passed by the 'District Munsif Court, Mettupalayam' (hereinafter referred to as 'Trial Court') in the Interlocutory Application under Order XI Rule 1 of the Code of Civil Procedure, 1908 in I.A.No.2 of 2021 in O.S.No.56 of 1996, the petitioner therein has filed this Civil Revision Petition.

2. The Revision Petitioner herein is the plaintiff and the respondents 1 to 9 herein are the defendants in O.S.No.56 of 1996 on the file of the Trial Court. For the sake of convenience, the parties will be referred to as per their array in the Original Suit.

3. The plaintiff filed a petition under Order XI Rule 1 and Section 151 of the Code of Civil Procedure, 1908, praying to direct the defendants 8 & 9 namely the General Manager and the Branch Manager of Small Industries Development Corporation (SIDCO) to answer the



interrogatories morefully mentioned in the schedule of petition by way of an affidavit. The Trial Court after considering the facts and circumstances dismissed the said I.A.No.2 of 2021.

4. Feeling aggrieved by the dismissal Order, the plaintiff has filed this Civil Revision Petition.

5. The case of the plaintiff is that the plaintiff is the owner of the Shed No.15 in the SIDCO Industrial Estate, Sirumugai. There are totally 10 sheds available in the SIDCO Industries namely Shed Nos.6 to 15. According to the plaintiff, the defendants 8 and 9, the then General Manager and the then Branch Manager, permitted the plaintiff to act as caretaker of the entire Shed Nos.6 to 14. SIDCO agreed to sell the remaining 9 sheds *i.e.*, Shed Nos.6 to 14 to the plaintiff. But all of a sudden, a new Manager came and refused to execute the Sale Deed in favour of the plaintiff. Therefore, the plaintiff filed the Suit in O.S.No.2465 of 1990 on the file of the District Munsif Court, Coimbatore for permanent injunction restraining SIDCO from evicting him from the suit property and preserving his possession and enjoyment of the suit property. Further, the plaintiff also filed another Suit in O.S.No.653 of



1991 against SIDCO for specific performance of the Sale Agreement *qua*

Shed Nos.6 to 14. Then, the plaintiff filed yet another Suit in O.S.No.1843 of 1991 on the file of the Principal District Munsif, Coimbatore against the EB officials, praying not to extend electricity service connection to the defendants 1 to 6 herein. According to the plaintiff, he is in possession and enjoyment of the entire suit property i.e., Shed Nos.6 to 15. While so, the defendants 1 to 6 threatened the plaintiff, attempted to vacate him from the suit property by claiming that they purchased some shed in the suit property and also tried to obtain electricity service connection from the seventh defendant. Hence, the plaintiff filed this Suit for permanent injunction against the EB officials not to extend electricity service connection to Shed Nos.6 to 14 in the name of the defendants 1 to 6 and other reliefs.

6. The case of the defendants 8 and 9 (SIDCO) is that the defendants 1, 2, 3, 5 and 6 have been allotted Shed Nos.8, 13, 10, 9 and 7 respectively and they became owners of the same under due process of law vide Sale Deeds executed in favour of them. Subsequently, the sixth defendant has sold Shed No.7 to one Vijayakumar, who is the son of the fourth defendant. The respective owners of the said sheds have applied for



electricity service connection and they are entitled to the same. The plaintiff has no right to question the same. The plaintiff is unnecessarily harassing the defendants by filing a number of frivolous Suits without any basis or right. The Suit in O.S.No.653 of 1991 on the file of III Additional Sub Judge, Coimbatore filed by the plaintiff was dismissed for default on August 7, 1999. The Suit in O.S.No.216 of 1990 on the file of Subordinate Court, Coimbatore filed by SIDCO against the plaintiff for permanent injunction with respect to the suit property herein was decreed. The appeals over the same preferred by the plaintiff in the District Court and High Court were also dismissed on merits. Private Complaint made by the plaintiff under various Section of the Indian Penal Code, 1860 against some of the defendants herein C.C. No.144 of 1990 on the file of Judicial Magistrate, Mettupalayam was also dismissed. Accordingly, they prayed for dismissal of the Suit.

7. In the Original Suit, trial commenced, the plaintiff side evidence was closed and the defendants side reported no oral evidence on their side. When the case was posted for arguments, the plaintiff filed this petition under Order XI Rule 1 of the Code of Civil Procedure, 1908 belatedly.



8. Learned Counsel appearing for the Revision Petitioner /

plaintiff submits that since the defendants did not enter into the witness box and were not subjected to cross examination, necessity arose for the plaintiff to file the Interlocutory Application under Order XI Rule 1 of the Code of Civil Procedure, 1908 to serve interrogatories which are relevant to decide the case. The Trial Court failed to appreciate the facts and erred in dismissing the Interlocutory Application. Accordingly, he prays to allow the Revision Petition and to set aside the dismissal Order and to allow I.A.No.2 of 2021.

9. Per contra, Mr.E.Kailash Raj appearing for Mr.S.T.Raja,

learned Standing Counsel for the seventh respondent / seventh defendant and Mr.M.Elangovan, learned Counsel for the eighth respondent / eighth defendant submit that the plaintiff is the owner of the Shed No.15 alone. The defendants 1 to 6 are the owners of some of the remaining sheds. The plaintiff without any right, illegally and vexatiously filed Suit by Suit thereby causing much inconvenience to SIDCO Officials as well as other owners of the sheds including the defendants. Further they submit that the earlier Suits were filed by the plaintiff and those filed by SIDCO ended in favour of SIDCO and against the plaintiff. Further submit that the



interrogatories sought to be served by way of the Interlocutory Application is no way relevant to the present Suit. The Trial Court after appreciating the nature of the Suit, rightly dismissed the Interlocutory Application. There is no warrant to interfere with it. Accordingly, they pray to dismiss this Civil Revision Petition.

10. This Court has considered both sides' submission and perused the copy of the pleadings as well as the interrogatories sought to be served to the defendants vide the Interlocutory Application, annexed in the typed set of papers.

11. Admittedly, the plaintiff is the owner of the Shed No.15 in SIDCO, Sirumugai and he is not the owner of other 9 sheds. In fact, the plaintiff have admitted the same in the pleadings. SIDCO filed Suit for permanent injunction against the plaintiff in respect of the suit property herein and the same was decreed in favour of SIDCO. The plaintiff filed a Suit for specific performance against SIDCO in respect of the suit property herein and the same was dismissed. The present Suit is filed only for permanent injunction not to extend electricity service connection to the remaining sheds namely, Shed Nos.6 to 14. The present Suit has been



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pending ever since 1996. Considering the facts and circumstances of case, the interrogatories sought to be served are irrelevant and would not help in deciding this Suit. This Court is of the view that the Interlocutory Application has been filed only to drag on the Suit proceedings as far as possible.

12. The Trial Court after considering the nature of the Suit and facts and circumstances of the case, rightly dismissed the interlocutory application and there is no warrant to interfere with it.

13. Resultantly, the Civil Revision Petition stands dismissed. Considering the age and nature of the Suit, the Trial Court shall endeavour to dispose of the Suit as expeditiously as possible. Both the parties are directed to cooperate with the Trial Court for expeditious disposal of the case. In view of the facts and circumstances of this case, there shall be no order as to costs. Consequently, connected civil miscellaneous petition is closed.

10.10.2025

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation : Yes / No
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R. SAKTHIVEL, J.
PAM/TK

To

The District Munsif
Mettupalayam.

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