



CRP(PD).No.147 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.(PD).No.147 of 2025

and

CMP.Nos.1113 of 2025

1.J.Balasubramanian

2.J.Usha Rani

... Petitioners

Vs.

1.Mr.R.Indumathy

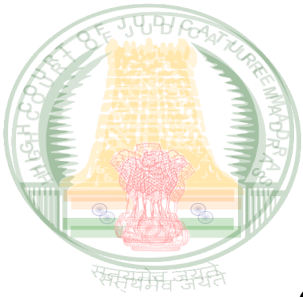
2.J.Saranyaveena

3.J.Swathy

... Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 07.01.2025 made in IA.No.3/2024 in OS.No.4490/2020 passed by the XIII Assistant Judge, City Civil Court, Chennai

For Petitioners : M/s.Karthikeyan
for M/s.A.M.Krishnamoorthy



ORDER

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Challenging the dismissal of their application for rejecting the
plaint, the defendants are the petitioners before this Court.

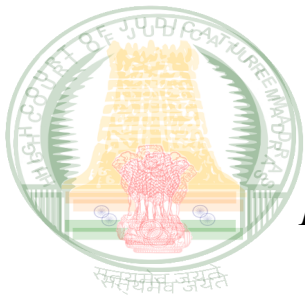
2. Brief Facts:-

3. The respondents 1 to 3 herein had filed suit OS.No.4490 of
2020 on the file of the XIII Assistant Judge, City Civil Court, Chennai
for the following reliefs:-

*a. To declare the Settlement Deed Dated
21.02.2018 Registered as Document No. 1297 of
2018 before the Sub Registrar office at Villivakkam
as null and void and not binding on the Plaintiffs or
their shares in the Suit Property.*

*b. To divide the Suit Property on metes and
bounds and allot ½ separate share in the Suit
Property which is more fully described in the
Schedule of the Complaint to him.*

c. For a Permanent Injunction restraining the



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Defendants, their agents, their men etc., from alienating the Suit Property to any person or between themselves by Sale, Mortgage, Settlement, Release, Mortgage, Lease etc.,”

4. The respondents'/plaintiffs' admitted case is that the property was originally purchased in the name of M/s.Bharat Grapic Arts Chemicals a registered partnership firm by its partners J.Balasubramanian @ Suresh Babu, the 1st defendant and J.Ravindaran, the father of the plaintiffs under a sale deed dated 18.04.1984. The partners had jointly sold an undivided share of 298/596 sq.ft. of land along with the Flat No.A in the Ground Floor admeasuring 575 sq.ft. a part in the suit property to the 2nd defendant, who is the wife of the 1st defendant, under a registered sale deed dated 07.04.1994. After the said conveyance, the 1st defendant had retired from the Firm on 31.03.1995 and he had permitted J.Ravindaran to run the business and declared that the assets and liabilities of the firm would go to J.Ravindaran. Consequently, J.Ravindaran became the absolute owner of suit property.



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5. The respondents/plaintiffs would contend that the 1st plaintiff is the widow, the 2nd plaintiff is the elder daughter and the 3rd plaintiff is the younger daughter of J.Ravindaran who had passed away on 29.09.2004 leaving behind surviving the plaintiffs as his legal heirs.

6. In the month of June 2008, the defendants had damaged the drainage pipe in the suit property and created nuisance by carrying commercial activities in the ground floor of the suit property. Therefore, the respondents/plaintiffs had filed a suit OS.No.6855 of 2008 on the file of the XV Assistant City Civil Court at Chennai for a permanent injunction against the defendants restraining them from doing any commercial activity in the ground floor of the suit property. After contest, the said suit was decreed as prayed for.

7. In the month of October 2015, once again, the defendants had attempted to disturb the peaceful possession of the plaintiffs in the suit property. Therefore, the plaintiffs had lodged a complaint with the Villivakkam Police Station. In the month of October 2020, the



plaintiffs had received a message from a local real estate mediator that the 1st defendant herein had offered to sell the entire suit property for a valuable sale consideration. Immediately, the plaintiffs had applied for an encumbrance certificate on 03.11.2020 before the Sub Registrar Office, Villivakkam wherein they came to learn about the transaction that had been carried out by the 1st defendant in respect of the suit property. Therefore, the plaintiffs have come forward with the suit in question.

8. The defendants had filed a written statement denying the allegations contained in the plaint.

9. When the suit was posted for arguments, the petitioners/defendants have come forward with an application in IA.No.3 of 2024 to reject the plaint on the ground that the plaint does not disclose cause of action and it is barred by law.

10. The respondents/plaintiffs had filed a counter stating that no grounds have been made for rejecting the plaint. The



respondents/plaintiffs would submit that the application is filed at the stage of argument only to protract the proceedings.

11. The learned XII Assistant City Civil Judge, Chennai dismissed the said application by contending that no valid reasons have been given in the application to reject the plaint. Challenging the same, the petitioners/defendants are before this Court.

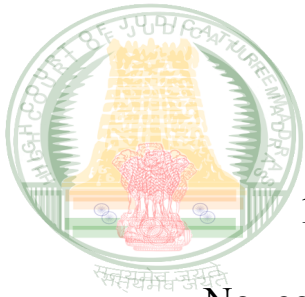
12. Heard the counsel for the petitioner and perused the records.

13. The main points raised by the petitioners/defendants were that the suit lacks cause of action, the plaintiffs are not the legal heirs of the deceased Ravindaran and the plaintiffs have suppressed the filing of the earlier suit.

14. From a reading of the plaint it is clearly evident that the plaintiffs have come to court with a case that the property in question was purchased by the said Ravindaran and Balasumbramanian in their individual capacity and that they had jointly sold a half share to the



2nd defendant. In the earlier suit their claim as the legal heirs of the deceased Ravindaran had been upheld and therefore they are entitled to half share in the suit property. The plaintiffs have referred to the earlier suit in their plaint. As to whether the property in question is the joint property of the firm or the individual partners is an issue that has to be considered during trial. The plaintiffs' status as legal heirs of Ravindaran has only now been questioned by the defendants after the plaintiff had obtained an order in their favour. A plain reading of the plaint clearly sets out a cause of action. This Court as well as the Hon'ble Apex Court had time and again held that while considering the application for rejecting the plaint, the Court should only look at the contents of the plaint and confirm as to whether the pleadings make out a cause of action. In the instant case, the plaintiffs have in very great detail set out the reasons and the cause of action for filing the suit in question. Therefore, the grounds on which the application for rejecting the plaint has been filed is without any basis and the Trial Court has rightly dismissed the same. I see no reason to interfere with the same.



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15. Accordingly, the Civil Revision Petition stands dismissed.

No costs. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes/No

Speaking Order: Yes/No

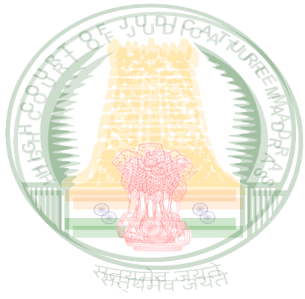
Neutral Citation : Yes/No

To

1.The XIII Assistant Judge, City Civil Court, Chennai

P.T. ASHA. J.,

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