



C.R.P.No.665 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P.No.665 of 2025

C.M.P.Nos.3775 & 3777 of 2025

M.Anantharamakrishnan ...Petitioner

Vs

1.Savitha

2.Nithyasree

3.Subramaniam ...Respondents

PRAYER :- Civil Revision Petition is filed under Article 227 of the Constitution of India, pleased to strike off the plaint filed in O.S. No.75 of 2022 now pending on the file of the learned District Munsif cum Judicial Magistrate, Madathukulam.

For Petitioner : Mr.T.S.Rajamohan

ORDER

Seeking to strike of the plaint in O.S. No.75 of 2022 now pending on the file of the learned District Munsif cum Judicial Magistrate, Madathukulam, the second defendant has filed the above revision petition.



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2.The suit in question has been filed by the respondents 1 and 2 herein seeking the relief of injunction restraining the defendants from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property. Their contention is that the suit property belonged to the third respondent/first defendant Subramanian who had sold the property to the plaintiffs under a registered sale deed dated 16.09.2021 bearing document No.3159 of 2021. The revenue records have also been mutated in their names. After the purchase, the plaintiffs had spent a considerable amount of their money and their exertion to develop the property. Seeing the development to the property the first defendant who was consumed by jealousy had started giving pin pricks to their enjoyment of the property. They had filed a false complaint before the Superintendent of Police, Tiruppur, to extort money from the plaintiffs. Therefore, the plaintiffs had come forward with the suit in question.

3.The second defendant has come forward with the above Civil Revision Petition to strike off the plaint by stating that no cause of action has been made out and the suit is nothing but a collusion between the plaintiffs and the first defendant. The respondent would contend that the Subramanian who has sold the property to the plaintiffs had nothing to



C.R.P.No.665 of 2025

do with the suit property. They would contend that he has misused the similarity in name with the second defendant's grand father to create the sale. This is the ground on which the plaint is sought to be strike off.

4.Heard Mr.T.S.Rajamohan, the learned counsel for the petitioner and perused the records.

5.The grounds on which a plaint can be strike off by this Court while exercising a jurisdiction under Article 227 of the Constitution of India is much more circumspect when compared to an application under Order 7 Rule 11 of the Code of Civil Procedure. Just as in the case of an application under Order 7 Rule 11 of C.P.C., while considering a petition for striking off the plaint the contents of the plaint have to be considered. If the plaint makes out a cause of action Court should loathe to strike off the same. Only in cases where on the face of the plaint it appears that the Court lacks jurisdiction or where the cause of action is illusory in such circumstances, this Court would consider a petition for striking off the plaint. Further if the defendant feels that the petition is not maintainable and should be rejected he can very well move an application for rejecting the plaint before the trial Court instead of rushing to this Court directly.



C.R.P.No.665 of 2025

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6.In the case on hand, a reading of the plaint makes out a cause of action for filing the suit. The reasons for seeking to strike of the plaint is also vague. Unless fraud and abuse of process of Court is made out this Court should restrain from considering such petitions. Therefore, the application for striking off the plaint has to be rejected and accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

20.02.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
ep

To

The District Munsif cum Judicial Magistrate,
Madathukulam.



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C.R.P.No.665 of 2025

P.T.ASHA, J,

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C.R.P.No.665 of 2025
C.M.P.Nos.3775 & 3777 of 2025



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C.R.P.No.665 of 2025

20.02.2025