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C.R.P.(PD) No.1205 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.03.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD) No.1205 of 2025

1.S.Tamilselvi
2.S.Aishwarya
3.S.Vasanth Kumar

... Petitioners

Vs.

1.M.VAnitha
2.Mohamed Sulaiamman Noopran
3.D.Justin Sundar

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to direct the Hon'ble District Munsif, Chengalpet to register onto file the suit in O.S.No.SR.5676 of 2024 by setting aside the order of rejection, dated 29.11.2024 at the stage of filing passed by the District Munsif, Chengalpet.

For Petitioners : Mr.B.Sivaraman



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ORDER

This civil revision petition is filed challenging the order of the learned District Munsif, Chengalpet, dated 29.11.2024, rejecting the suit at the SR stage itself without numbering it.

2. The revision petitioners herein are the wife and daughters of one Sankaran. It is the case of the revision petitioners that the first respondent herein had entered into a sale agreement with late Sankaran as early as on 09.01.2009 and when the first respondent failed to conclude the sale within the time agreed, the said Sankaran instituted a suit for permanent injunction in O.S.No.74 of 2010 before the District Munsif Court, Chengalpattu against this respondent. Upon obtaining leave of the Court, the said Sankaran filed another suit for specific performance in O.S.No.5 of 2012 before the District Court, Chengalpattu against this respondent/defendant. Thereafter, the suit in O.S.No.74 of 2010 was withdrawn from its file and was made over to the District Court, Chengalpattu and re-numbered as O.S.No.197 of 2015. Subsequently, the learned District Judge,



Chengalpattu conducted a joint trial of both the suits in O.S.No.5 of 2012 and O.S.No.197 of 2015.

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3. It is also contended by the revision petitioners that when both the suits filed by Sankaran were ripe for trial, the first respondent/defendant apprehending that the outcome of the suit would be in favour of Sankaran, had murdered him on 03.04.2017 in a broad daylight, and that a criminal case is pending against the defendant. Thereafter, the revision petitioners took steps to implead themselves as legal representatives of the deceased Sankaran, the sole plaintiff in the above suits. However, on account of onset of COVID-19 pandemic and the trauma undergone by the family members due to the brutal death occasioned to Sankaran, they could not pursue their case and therefore, the suits came to be dismissed on 03.09.2021. Subsequent to which, in the year 2022, steps have been taken by the revision petitioners to restore the suit and accordingly the suits were restored to file.

4. It is the further contention of the revision petitioners that with an intention to defeat the legal rights of the revision petitioners and in order to



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prevent them from enjoying the fruits of decree in those suits, the first respondent / defendant had colluded with the second and third respondents and executed two sale deeds in their favour both dated 16.08.2023 registered as Document Nos.19758 of 2023 and 19757 of 2023 on the file of SRO, Thiruporur, respectively. At this juncture, the revision petitioners as plaintiffs had filed a suit for declaration and permanent injunction against the defendants 1 to 3, who are respondents herein, before the District Munsif, Chengalpattu, to declare that both the sale deeds dated 16.08.2023 executed in favour of second and third defendant, by the first defendant are null and void, and also for a permanent injunction restraining the defendants 2 and 3 from alienating the suit properties.

5. The learned District Munsif, Chengalpattu, by order dated 29.11.2024 had rejected the plaint alleging that it is not maintainable on the ground that the cause of action for the present suit is a continuous cause of action of earlier suits pending before the learned Additional District Judge, Chengalpattu. It is also stated in the order of the learned District Munsif that the Munsif Court is not the right forum to adjudicate upon the present dispute between the parties as there is already a suit pending before the



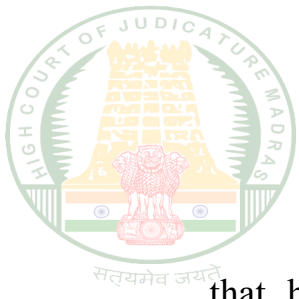
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higher forum regarding the same subject matter. The learned Judge has also held that in case the plaintiffs succeeds in the suits filed before the District Court, Chengalpattu, then the transaction between the defendants 1 to 3 would automatically fail, or on the other hand, if the plaintiffs fail, in such situation, the transaction held between the defendants would be upheld.

6. Challenging the said dismissal, the plaintiffs have filed the present revision petition.

7. Heard the learned counsel for the revision petitioners and perused the materials placed before the Court.

8. The plaintiffs have filed the present suit to declare that the sale deeds both dated 16.08.2023 bearing Document No.19758 of 2023 and Document No.19757 of 2023 on the file of SRO Thiruporur, executed in favour of the second and third defendants as null and void; and also for a permanent injunction restraining the second and third defendants from altering the nature of the suit 'B' schedule and 'C' schedule respectively.



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9. The learned Judge has proceeded to look into all the documents that have been filed by the petitioners/plaintiffs and has proceeded to observe that in case the petitioners/plaintiffs succeeds in the suits in O.S.No.05 of 2012 and O.S.No.197 of 2015, then the transaction held between the D2 and D3 would automatically fails and on the other hand, if the petitioners/plaintiffs were to fail in those suits, then the subsequent transaction done by the defendants 1 to 3 will be upheld, and rejected the plaint now filed by the revision petitioners in OSSR.No.5676 of 2024, as not maintainable.

10. It has been time and again observed by this Court that while registering a petition or a plaint, the learned Judge performs only an administrative function and not a judicial function. The Judicial Officer is not required to consider the suit/plaint/petition on merits. Therefore, while scrutinizing the plaint at a preliminary stage, what is required to be verified are :

(a) Whether the cause title conforms to Order VI Rule 3 CPC;

(b) Whether the parties to the suit are arrayed as contemplated under Order VII Rule 1(a) , 1(b) and Rule 4 of CPC;



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- (c) Whether the suit on a plain reading makes out a cause of action;
- (d) Whether the suit has been instituted before the Court having jurisdiction - pecuniary/territorial ;
- (e) Whether on a reading of the plaint, the suit is barred by limitation;
- (f) Whether the property details has been set out, court fee has been properly valued and the documents have been set out as contemplated under the provisions of Order 7 Rule 14; and
- (g) Whether the plaint has been verified and the signatures are affixed etc.,

11. This Court places reliance on the the judgement of this Court in ***Selvaraj Vs Koodankulam Nuclear Power Plant India*** reported in **2021 (4) CTC 539**.

12. In the light of the judgment cited supra, this Court would reiterate that the process of scrutiny of plaint at the preliminary, pre-registration stage has been clearly set out by this Court . However, the learned Judge appeared to have exceeded the jurisdiction in which she is functioning, and conducted alleged trial at the stage of numbering the suit, which is



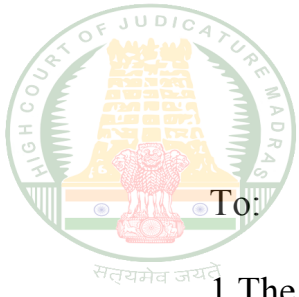
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inconsistent with the parameters set out supra. Therefore, the order of the learned District Munsif, Chengalpattu, impugned herein, warrants interference by this Court in the present revision.

13. In the result, this revision petition is allowed and the order of the learned District Munsif, Chengalpet, dated 29.11.2024 in OSSR.No.5676 of 2024, rejecting the plaint, is hereby set aside. Accordingly, this Court directs the learned District Munsif, Chengalpattu to receive and number the suit in OSSR.No.5676 of 2024, if it conforms to the parameters set out supra in terms of the cause of action, court fees, jurisdiction etc., No costs.

26.03.2025

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes / No
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To:

1.The District Munsif
Chengalpet.

2.The Section Officer
VR Section, High Court, Madras.



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P.T. ASHA, J.

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