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CRP. Nos.993, 994 & 997 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:08.07.2025

Pronounced on: 29.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE P.B.BALAJI**

**CRP. Nos.993, 994 & 997 of 2025**

**and CMP. Nos. 5661, 5670 & 5676 of 2025**

**CRP. No.993 of 2025**

- 1.A.K.Hafasha
- 2.K.Mohammed Jalaludeen
- 3.K.Mohammed Riyasudeen
- 4.Mishktul Janna
- 5.Sirajum Muneera

Petitioners

Vs

- 1.Anees Banu
- 2.Noorjahan
- 3.Nazeer Ahmed
- 4.Mohammed Mazood
- 5.Aamedulla

Respondents

**CRP. No.994 of 2025**

- 1.A.K.Hafasha
- 2.K.Mohammed Jalaludeen
- 3.K.Mohammed Riyasudeen
- 4.Mishktul Janna
- 5.Sirajum Muneera

Petitioners

Vs

- 1.Kathun Beevi
- 2.Noorjahan
- 3.Nazeer Ahmed



4.Mohammed Mazood  
5.Aamedulla

Respondents

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**CRP. No.997 of 2025**

1.A.K.Hafasha  
2.K.Mohammed Jalaludeen  
3.K.Mohammed Riyasudeen  
4.Mishktul Janna  
5.Sirajum Muneera

Petitioners in both CRPs

Vs

1.Abdul Rahman  
2.Noorjahan  
3.Nazeer Ahmed  
4.Mohammed Mazood  
5.Aamedulla

Respondents

**COMMON PRAYER:** These Civil Revision Petitions are filed under Article 227 of the Constitution of India, to strike off the plaint in O.S. No.337 of 2024 on the file of the Principal District Munsif Court, Coimbatore and O.S. No.384 of 2024 on the file of V Additional District Munsif, Coimbatore and O.S. No.689 of 2024 on the file IV Additional District Munsif, Coimbatore.

For Petitioners : Mr.I. Abrar Mohammed Abdullah  
in all CRPs  
For Respondents : Mr.P.Tamilavel for R1  
in CRP. Nos.993 & 994 of 2025  
Mr.P.Kannan for R1  
in CRP. No.997 of 2025  
No Appearance of R3 to R5  
in all CRPs  
Not Ready for R2 in all CRPs

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## **COMMON ORDER**

These revisions have been filed seeking exercise of extraordinary and discretionary powers of this Court to strike off the plaint under Article 227 of the Constitution of India.

2. I have heard Mr.I.Abrar Mohamed Abdullah, learned counsel for the revision petitioners and Mr.P.Tamilavel, learned counsel for the first respondent in CRP. Nos.993 & 994 of 2025 and Mr.P.Kannan, learned counsel for the first respondent in CRP. No.997 of 2025.

3. The suit in O.S. No.337 of 2024, has been filed by the plaintiff for bare injunction to restrain the defendants from disturbing the possession and enjoyment of the plaintiff in respect of the suit property. O.S. No. 384 of 2024 has been filed by the plaintiff, again for a similar relief of permanent injunction as against the defendants. The third suit in O.S. No.689 of 2024 has been filed by the plaintiff, again for an injunction to restrain the defendants from interfering with the plaintiff's peaceful possession and enjoyment of the suit properties.



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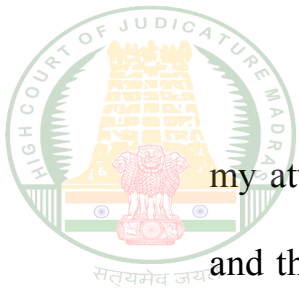
4. The learned counsel for the revision petitioners Mr.I.Abrar Mohamed Abdullah, would state that the present suits are sheer abuse of process of law and evidently, an attempt in re-litigating issues that have been finally and conclusively decided by a competent Civil Court. The learned counsel for the petitioners would invite my attention to the earlier suit filed in O.S. No.159 of 2009, where, the defendants 1 to 4 in the present suit in O.S. No.337 of 2024 had filed the suit for partition and separate possession of their one half share in the suit property. The revision petitioner herein had filed a suit for partition and separate possession in O.S. No.159 of 2009. The Trial Court dismissed the said suit, upholding the contention of Hiba set up by the contesting respondents therein, under whom the present plaintiffs in CRP. No.993 & 994 of 2024 claim right.

5. Aggrieved by the dismissal of their suit, the revision petitioners moved this Court by way of First Appeal in A.S. No.157 of 2013 and the Hon'ble Division Bench of this Court set aside the findings of the Trial Court, specifically referring to the fact that the Hiba was not proved and proceeded to decree the suit and grant a preliminary decree in favour of



the revision petitioners herein. It is also brought to my notice that the Special Leave Petition filed against the decision of the Hon'ble Division Bench of this Court was also dismissed by the Hon'ble Supreme Court on 24.11.2023. The learned counsel for the petitioners would therefore contend that the present plaintiff only claims under an alleged settlement deed executed by her husband, who was the fourth defendant in the earlier proceedings and under such circumstances, there is absolutely no bonafides in the claim for relief of permanent injunction.

6. Similarly, with regard to the other revision in CRP. No.994 of 2024, he would point out that the wife of the third defendant who was a party to O.S. No.159 of 2009 has filed O.S. No.384 of 2024, again claiming similar rights under an alleged settlement deed said to have been executed by her husband. Insofar as the third suit, even according to the learned counsel for the revision petitioners, it is by a total stranger who claims to have got the property under a Hiba, followed by declaration of Late Kaja Moideen and placing reliance on the said Hiba and declaration, the plaintiff has filed O.S. No.689 of 2024 which according to the revision petitioner, is clearly dishonest. He would draw



my attention to the similarity in the case set up by the present plaintiff and the earlier case that was set up by the defendants in O.S. No.159 of 2009, which was ultimately rejected by the Hon'ble Division Bench of this Court and confirmed by the Hon'ble Supreme Court in the Special Leave Petition. In support of his contentions, the learned counsel would place reliance on the decision of this Court in (i) *Tamil Nadu Handloom Weavers Cooperative Society rep. By its Managing Director, Vs. S.R.Ejaz, rep. By his Power Agent Muralidhar*, reported in 2009-5-L.W.79 and (ii) *Tripower Enterprises (Pvt) Ltd Vs. Selvam Aruldoss and Others*, reported in 2025 (1) CTC 58.

7. Per contra, the learned counsel for the respondents would state that the suit is only for a permanent injunction claiming right of possession, the rights of the present plaintiff in O.S. Nos. 993 and 994 of 2025 are only under registered settlement deeds and if at all, the present revision petitioners have any right, it ought to be exercised under Order VII Rule 11 CPC and not by way of directly approaching this Court under Article 227 of the Constitution of India.

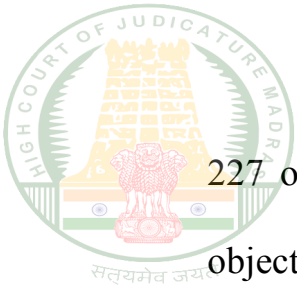


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8. Insofar the third revision in CRP No.997 of 2025, the learned counsel for the respondent would contend that the plaintiff in the said suit in O.S. No.689 of 2024 is a third party in the earlier proceedings in O.S. No.159 of 2009 and he is not bound by the findings rejecting the Hiba that was putforth to defeat the right of the revision petitioners in the earlier round of litigation. He would therefore state that the plaint cannot be struck off, that too in revision. He would place reliance on the revision of the Hon'ble Supreme Court in *Keshav Sood Vs. Kirti Pradeep Sood and others*, reported in, 2023 *LiveLaw* (SC) 799, (ii) *Virudhunagar Hindu Nadargal Dharma Paribalana Sabai and others vs. Tuticorin Educational Society and others*, reported in (2019) 9 SCC 538 and (iii) *Chithra and Another Vs. Sasikumar and others*, reported in CDJ 2025 SC 827.

9. I have carefully considered the submissions advanced by the learned counsel on either side.

10. Before going into the merits of the contentions of the revision petitioners, seeking striking off the plaint exercising power under Article

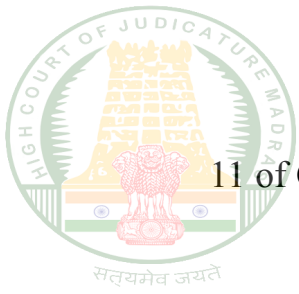


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227 of the Constitution of India, I proceed to address the preliminary objection of the respondents regarding permissibility of invocation of supervisory powers under Article 227 of the Constitution of India, to strike off the plaint. Strong reliance is placed on by the decision of the Hon'ble Supreme Court in *Keshav Sood, Virudhunagar Hindu Nadargal Dharma Paribalana Sabai* and *Chithra's* cases (referred herein supra).

11. In *Virudhunagar Hindu Nadargal Dharma Paribalana Sabai's* case, (referred herein supra), the Hon'ble Supreme Court found that a remedy of appeal was available against the order impugned before the High Court and on the facts of this case, the Hon'ble Supreme Court held that the power of superintendence under the Constitution of India ought not to have been exercised, as a measure of self impose restriction.

12. In *Keshav Sood's* case, (referred herein supra), the Hon'ble Supreme Court held that the plea of *res judicata* cannot be gone into under Order VII Rule 11 CPC as defence of the defendants and documents that have been relied on would have to be necessarily looked into for deciding an Application to reject the plaint under Order VII Rule



11 of CPC.

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13. In *Chithra's* case (referred herein supra), the Hon'ble Supreme Court following the ratio in *Valarmathi & Ors Vs. Kumaresan*, reported in 2025 INSC 606, held that the power of the High Court under Article 227 of the Constitution of India is supervisory and such power has to be sparingly exercised when errors are apparent on the face of the record, occasioning grave injustice by the Court or Tribunal, assuming jurisdiction which does not have, failing to exercise jurisdiction which would it does have, or exercising jurisdiction in a perverse manner.

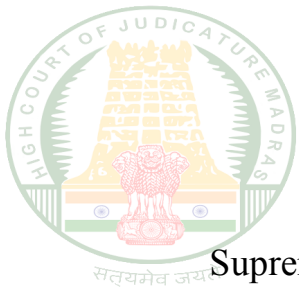
14. In the facts of both the cases before the Hon'ble Supreme Court in *K.Valarmathi's* case as well as *Chitra's* cases (referred herein supra), the Hon'ble Supreme Court finding that the High Court cannot reject the plaint exercising power under Article 227 of the Constitution of India, since rejection of the plaint would amount to a decree under Section 2(2) of CPC, which gives a right of statutory first appeal to the aggrieved party and in such circumstances, concluded that the High Court has no power under Article 226 or 227 of the Constitution of India



to reject the plaint. However, the facts of the present case are different.

The revision petitioners do not seek rejection of the plaint before this Court, but the revision petitioners citing abuse of process and re-litigation, are only seeking to strike off the plaint.

15. The Hon'ble Supreme Court in *K.K.Modi Vs. K.N.Modi and others case*, reported in 1998 (3) SCC 573, (ii) *T.Arivandandam Vs. T.V.Satyapal*, reported in (1977) 4 SCC 467 and (iii) *Surya Dev Rai Vs. Ram Chander Rai*, reported in (2003) 6 SCC 675, has categorically held that in the above cases, if there is any attempt of a party to re-litigate and the suit was a clear abuse of process then, the Court cannot be a mute spectator and the High Court can certainly exercise the power of superintendence conferred on it, not only on the administration side, but also on judicial side and ensure that launching of frivolous and vexatious cases, can be avoided. In *T.Arivandandam*, (referred herein supra), the Hon'ble Supreme Court held that an activist judge is the answer to irresponsible law suits and bogus litigation should be shot down at the earliest stage.



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16. In *K.K.Modi's* case (referred herein supra), the Hon'ble Supreme Court also held that re-litigation amounts to abuse of process of Court and the same is contrary to justice and public policy and even if such re-litigation amounted to bar of *res judicata*, yet if it is shown that the proceedings are frivolous or vexatious and nothing short of abuse, then the High Court has power to stop such proceedings summarily, to prevent the time of the public and the Court from being wasted. This Court in *Tamil Nadu Handloom Weavers Cooperative Society rep. By its Managing Director's* case (referred herein supra) held that a vexatious litigant should not be allowed to delay the legal process and cause threat to the very justice delivery system, by embarking upon unwanted re-litigation, amounting to mockery of the judicial system itself. This Court, also finding that the suit for bare injunction was only an attempt in re-litigation after earlier proceedings had been conclusively decided, following the ratio laid down by the Hon'ble Supreme Court in *T.Arivandandam* case as well as *K.K.Modi's* case (referred herein supra) proceeded to strike off the plaint.

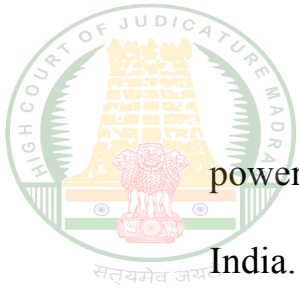
17. In the light of the above, insofar as the Civil Revision



Petitions in CRP. Nos. 993 & 994 of 2025 are concerned, I have no hesitation in holding that the suits are clear abuse of process of law and only an attempt at re-litigation, under the guise of settlement deeds executed by unsuccessful defendants, whose plea of Hiba was turned down by the Hon'ble Division Bench of this Court and confirmed by the Hon'ble Supreme Court.

18. In the light of the above, CRP Nos.993 & 994 of 2025 are ***allowed*** and the plaints in O.S. Nos.337 & 384 of 2024 are struck off.

19. Coming to the revision in CRP. No.997 of 2025, admittedly, even according to the revision petitioners, the plaintiff, in the present suit which is sought to be struck off, is a total stranger and he claims that the original owner given in a Hiba and also there was also a declaration of confirmed the Hiba in his favour. The plaintiff in the said suit is not bound by the outcome of the litigation in the earlier proceedings, since he is in no way connected to the defendants in the said suit, merely because there is similarity in the defence, it would not afford a ground to strike off the plaint, that too exercising the supervisory and discretionary



powers available for this Court under Article 227 of the Constitution of India. Therefore, I do not find that the said plaint requires to be struck off as sought for in the revision. Accordingly, CRP. No.997 of 2025 is dismissed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

**29.08.2025**

rkp

Index : Yes / No

Internet : Yes / No

To:

1. The Principal District Munsif, Coimbatore.
2. The V Additional District Munsif, Coimbatore.
3. The IV Additional District Munsif, Coimbatore



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CRP. Nos.993, 994 & 997 of 2025



**P.B.BALAJI, J.,**

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**Pre-delivery order in**  
**CRP. Nos.993, 994 & 997 of 2025**  
**and CMP. Nos. 5661, 5670 & 5676 of 2025**

**29.08.2025**