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C.R.P.No.1333 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.1333 of 2024

and

C.M.P.No.7099 of 2024

S.Angathal

... Petitioner

VS.

S.Subramanian

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 12.09.2022 made in I.A.No.2 of 2022 in O.S.No.699 of 2021 on the file of the First Additional District Munsif Court, Coimbatore (Now transferred and re-numbered as O.S.No.213 of 2023 – learned District Munsif Cum Judicial Magistrate, Annur) by allowing this Civil Revision Petition.

For Petitioner : Mr.N.Manoharan

For Respondent : Mr.C.R.Prasanan



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ORDER

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The Civil Revision Petition is filed challenging the order passed by the First Additional District Munsif Court, Coimbatore in I.A.No.2 of 2022 in O.S.No.699 of 2021, dated 12.09.2022 dismissing the application filed by the petitioner/defendant seeking rejection of the plaint.

2. The respondent, who is son of the petitioner, filed a suit seeking bare injunction. According to him, the suit property was purchased by him out of his own funds in the name of petitioner, his mother nominally. Subsequently, the petitioner executed a Settlement Deed in respect of the suit property on 19.04.2021 in favour of the respondent and thus, he has been in possession and enjoyment of the same. Since there was an attempt to interfere with his possession by the petitioner, the suit was laid for bare injunction.

3. The petitioner sought for rejection of the plaint on two grounds. According to her, the suit property was purchased by her out of her own funds and hence, it is her self-acquired property. It was further stated that Settlement Deed dated 19.04.2021 was obtained by the respondent by force,



taking advantage of her old age. It is further stated that the suit was barred under Section 27 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The Trial Court dismissed the said application. Aggrieved by the same, the petitioner has come before this Court.

4. The learned counsel appearing for the petitioner by relying on the documents referred in the affidavit filed in support of the petition to reject the plaint, submitted that entire suit property was purchased out of separate funds of the petitioner and hence, the plea raised in the plaint as if, the suit property was purchased nominally in the name of the petitioner was unsustainable. He further submitted that in view of bar created under Section 27 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the civil suit is not maintainable and the same shall be rejected.

5. As far as the contention raised by the petitioner that the suit property was purchased out of her own funds is concerned, it is a matter for evidence. Whether the suit property was purchased out of the funds provided by the respondent or out of the own funds of the petitioner, is the issue to be decided by the Trial Court based on evidence to be let in by the parties. In such circumstances, that may not be the ground for rejection of the plaint.



6. Section 27 of the Maintenance and Welfare of Parents and Senior

Citizens Act, 2007, reads as follows:-

“27. Jurisdiction of civil courts barred.- No Civil Court shall have jurisdiction in respect of any matter to which any provision of this Act applies and no injunction shall be granted by any Civil Court in respect of anything which is done or intended to be done by or under this Act.”

7. The respondent herein only seeks bare injunction restraining the defendant from interfering with his peaceful possession and enjoyment of the suit property. The respondent does not seek any injunction against any act to be done or intended to be done under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007. He only seeks to protect his possession. The said relief is very well maintainable before the Civil Court. It is not a matter to which the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is applicable. Hence, the second submission made by the learned counsel appearing for the petitioner is also not acceptable to this Court.

8. The learned counsel for the petitioner further submitted that subsequent to the filing of the suit, the Settlement Deed relied on by the



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respondent/plaintiff was cancelled by the Revenue Divisional Officer, Coimbatore under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 on 25.05.2022. The said order was confirmed by this Court in W.P.No.32738 of 2022 by order dated 09.09.2024. The order passed by the learned Single Judge was confirmed by the Division Bench of this Court in W.A.No.195 of 2025, dated 06.03.2025. In view of the same, the suit filed by respondent based on the Settlement Deed is not sustainable.

9. While considering the petition for rejection of the plaint, the Court is only guided by the averments found in the plaint and the plaint documents. For the purpose of rejection of the plaint, the Court cannot rely on the defence raised by the defendant or the defendant's side documents. Therefore, based on the order which came into existence subsequent to filing of the plaint, we cannot reject the plaint. In any event, it is brought to the notice of this Court by the learned counsel appearing for the respondent that challenging the order passed by the Division Bench of this Court in W.A.No.195 of 2025, the respondent preferred an special leave petition in S.L.P.(C).No.22509 of 2025 and the same is pending on the file of Apex Court. Therefore, the order cancelling the Settlement Deed has not attained finality and the issue is pending before the Apex Court. In such



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circumstances, the plaint filed by the respondent prior to the said order cannot be rejected at this stage.

10. Accordingly the Civil Revision Petition stands dismissed. The defence raised by the petitioner/defendant in the written statement shall be decided by the Trial Court on its own merits without being influenced by any observation made in this order. No costs. Consequently, the connected civil miscellaneous petition is closed.

17.12.2025

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

- 1.The First Additional District Munsif Court,
Coimbatore.
- 2.The District Munsif Cum Judicial Magistrate,
Annur.



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S.SOUNTHAR, J.

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