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C.R.P.(PD) No.1210 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.03.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD) No.1210 of 2025

P.Sudhakar

... Petitioner

Vs.

1.V.Ramesh

2.V.Devaki

3.The Sub Registrar

Anna Nagar Sub Registrar's Office

Nolambur, Chennai - 600 095.

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to allow the civil revision petition and set aside the order in O.S.[SR] No.12967 of 2023 dated 19.10.2023 on the file of I Additional Judge, City Civil Court, Chennai.

For Petitioner : Mr.Najeeb Usman Khan
for Mr.T.Vineeth Kumar



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ORDER

This civil revision petition is filed challenging the order of the learned I Additional Judge, City Civil Court, dated 19.10.2023, rejecting to number the suit.

2. The revision petitioner is the plaintiff who has filed the suit for injunction and also for a direction as against the defendants/respondents herein, before the learned I Additional Judge, City Civil Court, Chennai,. The relief sought for in the suit are as follows :

- a) to direct the first defendant to execute and register the sale deed in respect of the plaint schedule property in favour of the plaintiff after receiving the balance sale consideration of Rs.18,50,000/- or to execute the sale deed in favour of the plaintiff;
- b) for a permanent injunction restraining the first defendant from alienating or encumbering the plaint schedule property; and
- c) for a mandatory injunction restraining the third defendant from entertaining or registering any document.



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3. The averments in the suit are as follows :

- a) The suit schedule property comprises of a land and building, which according to the plaintiff is a Grahmanatham property.
- b) The defendants 1 and 2 are the absolute owners of the suit schedule properties, which came to be inherited by them after the demise of one Veeraraghavan, the father of the first defendant and the husband of the second defendant. The defendants 1 and 2 were in joint possession and enjoyment of the suit schedule property.
- c) Sometime in 2016, the first defendant had borrowed some money from the plaintiff to meet out his family expenditure and the same was not repaid. Thereafter, the defendants have executed an unregistered sale deed on 28.09.2016 in favour of the plaintiff, in respect of the suit property, fixing the sale consideration for Rs.10,00,000/-.
- d) Be that as it may, on 31.08.2017, the second defendant executed a settlement deed in favour of the first defendant and



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the same came to be registered as Doc.No.3657 of 2017 on the file of the third respondent.

- e) Subsequent to the execution of settlement deed, the defendants and the plaintiff have entered into a fresh agreement of sale dated 28.09.2021, fixing the sale consideration as Rs.30,00,000/- .
- f) According to the plaintiff, since he had already paid a sum of Rs.11,50,000/- to the defendants, the balance amount of Rs.18,50,000/- of the sale price of suit property, have to be paid by him only at the time of handing over the suit property.
- g) The plaintiff have been repeatedly insisting the defendants to complete the sale. But the defendants did not show any response and are attempting to sell the property to third parties.
- h) Therefore, the plaintiff had filed the suit directing the defendants 1 and 2 to repay the amount of Rs.11,50,000/- together with interest at the rate of 18% per annum or to execute a sale deed in his favour after receiving the balance sale consideration of Rs.18,50,000/-.



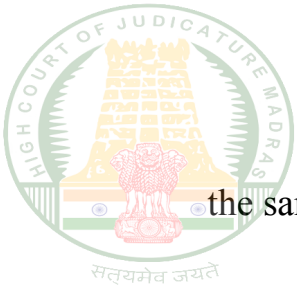
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4. The revision petitioner/plaintiff would contend that when he had presented the plaint along with enclosures as appended in the list of documents to the plaint, before the City Civil Court for numbering, the learned I Additional Judge, City Civil Court, Chennai, rejected the same at SR stage itself.

5. Challenging the said rejection, the plaintiff has filed the present revision petition.

6. Heard the learned counsel for the revision petitioner and perused the materials placed before the Court.

7. The plaintiff had filed the suit before the City Civil Court, Chennai, seeking to direct the defendants 1 and 2 to execute and register the sale deed in favour of the plaintiff, after receiving the balance sale consideration of Rs.18,50,000/- from him and also for a permanent injunction restraining the first defendant from alienating or encumbering the suit property and also for a mandatory injunction restraining the third respondent from entertaining or registering any documents with respect to the suit property,



the same was taken on file in OSSR.No.12967 of 2023.

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8. When the matter came up for hearing before the learned Judge on 19.10.2023, he has taken into account the settlement deed dated 31.08.2017 and the letter issued by the Tahsildar dated 25.08.015 which describes the suit property as a poromboke land (Document Nos 5 & 2 of the plaint respectively) and proceeded to reject the plaint at the SR stage itself, holding that the first defendant is only entitled to the superstructure and did not have any right over the land of the suit property. Furthermore, the first defendant has no right to enter into an agreement in respect of the Government land, and that the Tahsildar, was also not added as a party to the suit.

9. It has been time and again observed by this Court that while registering a petition or a plaint, the learned Judge is expected to perform only an administrative function and not the 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 :



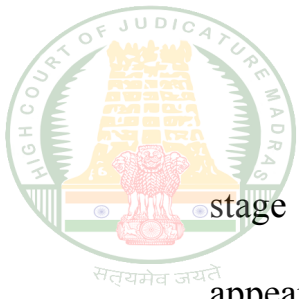
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- (a) Whether the cause title conforms to Order VI Rule 3 CPC;
- (b) Whether the parties to the suit are arrayed as contemplated under Order VII Rule 1(a) , 1(b) and Rule 4 of CPC;
- (c) Whether the suit on a plain reading makes out a cause of action;
- (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.,

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

11. In the light of the judgment cited supra, this Court would reiterate that the process of scrutiny of plaint at the preliminary, pre-registration



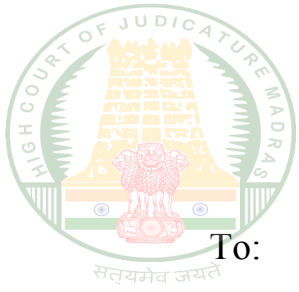
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stage has been clearly set out by this Court . However, the learned Judge appeared to have exceeded the jurisdiction in which he is functioning, and conducted an alleged trial at the stage of numbering the suit, which is inconsistent with the parameters set out supra. Therefore, the order of the learned I Additional Judge, City Civil Court, Chennai, impugned herein, warrants interference by this Court in the present revision.

12. In the result, this revision petition is allowed and the order of the learned I Additional Judge, City Civil Court, Chennai, dated 19.10.2023 in OSSR.No.12967 of 2023, rejecting the plaint, is hereby set aside. Accordingly, this Court directs the learned I Additional Judge, City Civil Court, Chennai, to receive and number the suit in OSSR.No.12967 of 2023, 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:

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- 1.The I Additional Judge
City Civil Court, Chennai.
- 2.The Section Officer
VR Section, High Court, Madras.



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P.T. ASHA, J.

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