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CRP.No.1727 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 11.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP.No.1727 of 2025
and CMP.No.9958 of 2025

V.Aniruth

.. Petitioner

Versus

L.Krishnamoorthy

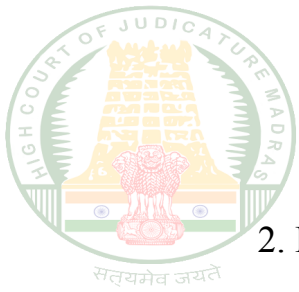
.. Respondent

Prayer: Petition filed under Article 227 of the Constitution of India, to set aside the order dated 21.01.2025 passed in O.S.No.163 of 2016 on the file of the learned Principal District Judge, Chengalpattu.

For petitioners : Mr.T.V.Ramanujun, Senior Counsel
for Mr.S.Prem Auxilian Raj
For respondent : Mr.R.Murali

ORDER

Revision has been filed under Article 227 of the Constitution of India challenging the rejection order of the plaint by the learned Principal District Judge, Chengalpattu.



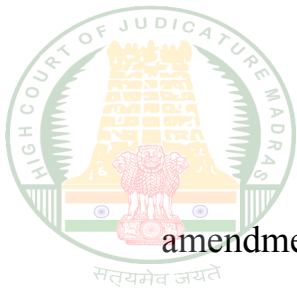
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2. Brief background in filing this revision:

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2.a. The petitioner has filed a suit against the defendant in O.S.No.163 of 2016 for relief of permanent injunction on the file of the District Munsif, Madurantakam inter-alia alleging the the suit property is an ancestral property, his father in connivance of the defendant tried to defeat the rights of the plaintiff. During the pendency of the suit, an application in I.A.No.4 of 2022 has been taken taken out for amendment seeking larger relief of declaration and also permanent injunction. The amendment was allowed by the District Munsif, Madurankatam vide 25.01.2023 and the same was confirmed by this Court in CRP.No.4241 of 2023 vide order dated 21.02.2024.

2.b. Pursuant to the amendment, the learned District Munsif rightly returned the plaint under Order VII Rule 10 of CPC for presentation to the proper court on the ground that amendment relief exceeds the pecuniary jurisdiction. Accordingly, the plaint was presented before the learned Principal District Court, Chengalpattu. At the time of presentation, the learned Principal District Judge instead of taking the plaint on file has gone into the merits and rejected the plaint. The learned Principal District Judge has, in fact, in the order has gone to the extent that



amendment ought not to have been allowed by the earlier Court and the suit for partition alone should have been filed and the suit for declaration is not maintainable. The very order indicate as if the Trial Court has acted as defendant and non suited the plaint. Therefore, the revision has been filed invoking Article 227 of the Constitution of India.

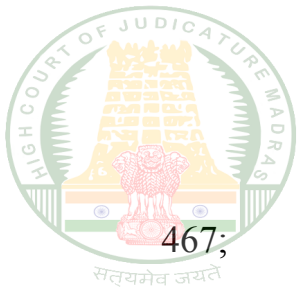
3. The learned counsel for the respondent submitted that as against the rejection of the plaint, only the appeal is maintainable and not a revision. Whereas, the learned senior counsel for the petitioner submitted that the very order is erroneous and cannot be sustained in the eye of law.

4. The learned counsel for the respondent relied on the following judgments:

a. Sayyed Ayaz Ali vs. Prakash G.Goyal and others reported in (2021) 7 SCC 456;

b. Patil Automation Private Limited and others vs. Rakheja Engineers Private Limited reported in (2022) 10 SCC 1

c. T.Arivandandam vs. T.V.Satyapal and another reported in (1977) 4 SCC



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5. Heard both sides and perused the materials placed on record.

6 Normally, when the suit has been rejected on a proper application and adjudication under Order VII Rule 11 of CPC, such rejection is deemed to be a decree, only appeal will lie. There is no dispute with regard to the above proposition. But the fact remains that the Trial Court erroneously has gone into the issue even without any application being filed by the defendant had passed the impugned order. Therefore, this Court is of the view that when the very order of the Trial Court is erroneous and completely manifested with illegality, the High Court exercising superintendence powers under Article 227 of the Constitution of India can very well interfere with such erroneous order and set right the mistake and secure the ends of justice. When the suit itself was originally filed before the learned District Munsif, Madurantakam for bare injunction, later, larger declaration relief was sought by way of amendment and the same was allowed. The said amendment is also approved by this Court in C.R.P.No.4241 of 2023. Finding pecuniary jurisdiction, the learned District Munsif, Madurantakam has

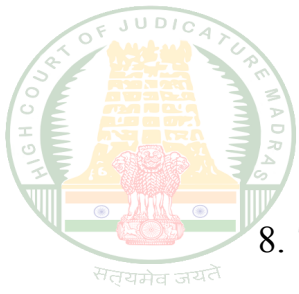


returned the plaint for presentation before the proper court. Accordingly, when the

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plaint was presented before the learned Principal District Judge, Chengalpattu, instead of taking the plaint on its file, the Trial Court rejected the plaint on erroneous grounds. The very order of rejection clearly indicates that the Trial Court has acted as a defendant and given undue favoritism.

7. The authorities cited above by the learned counsel for the respondent cannot be applied mechanically to the facts of the present case. No doubt, every Court is bound by the precedents of the Hon'ble Apex Court, however, the application of precedents should be consistent with the facts and circumstances of the case. It is to be noted that the earlier Court had allowed the amendment application for larger relief of declaration, the same was allowed and it has reached finality before this Court. Therefore, the Trial Judge coming to the conclusion that amendment application ought not to have been allowed, such a finding in view of this Court is unwarranted as the amendment has reached finality.



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8. Therefore, when this Court finds that the very impugned order is due to some or other reasons and not on merits, the impugned order is liable to be set aside and accordingly, the impugned order dated 21.01.2025 is set aside. The Trial Court is directed to take the plaint on file, number the suit and dispose of the suit, on merits, within a period of six months from the date of receipt of a copy of this Order.

9. Accordingly, this revision stands allowed. No costs. Consequently, connected miscellaneous petition stands closed.

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Index : Yes / No
Speaking/non speaking order
dhk



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To,

1. The Principal District Judge, Chengalpattu

2. The Section Officer
VR Section, Madras High Court



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N. SATHISH KUMAR, J.

dhk

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