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C.R.P. (PD) .No.2396 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.2396 of 2022
and C.M.P.No.12347 of 2022

1.Sarangapani

2.Thangaraj

3.Jayaganesh

.. Petitioners

Vs.

1.Purushothaman

2.Saravana Muthukumarasamy

.. Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to allow the above Civil Revision Petition thereby set aside the Fair and Decretal order dated 04.04.2022 passed in I.A.No.01 of 2021 in O.S.No.63 of 2020 pending on the file of the District Munsif Court, Vanur and consequently reject the said suit in O.S.No.63 of 2020.

For Petitioners : Mr.B.Gurunathan

For Respondents : Mr.R.Veeramani



ORDER

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2.Heard Mr.B.Gurunathan for the petitioners and Mr.R.Veeramani for the respondents.

3.This revision challenges the fair and decretal order of the learned District Munsif, Vanur, in I.A.No.1 of 2021 in O.S.No.63 of 2020, dated 04.04.2022. By that order, the learned District Munsif dismissed the application to reject the plaint in O.S.No.63 of 2020.

4.It is the case of the plaintiffs that the father of the defendants, one, Rangasamy Gounder had entered into an agreement of sale with them on 18.10.1982. The agreement was for alienation of the suit schedule mentioned property. The reason for alienation being that the said Rangasamy Gounder required money for his family expenses.



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5.The plaintiffs' pleaded that pursuant to the agreement of sale, an unregistered sale deed had been executed by the said Rangasamy Gounder in their favour on 14.02.1983. On that very day, the plaintiffs had taken possession of the property. They further added that they have been honouring the revenue demands in the form of kist and other revenue receipts. They pleaded that the defendants attempted to dispossess them on 30.07.2020 and hence, the suit.

6.Summons was served on the defendants. They took out an application for rejection of plaint. They pleaded that the cause of action for the plaint is illusory and that the document dated 14.02.1983, being an unregistered document, cannot be relied upon by the plaintiffs. They added that the suit is vexatious and deserves to be rejected.

7.The learned District Munsif received this application in I.A.No.01 of 2021 and directed the plaintiffs to file a counter. They did so.

8.Thereafter, the learned Trial Judge took up the application for disposal. After hearing both sides, by an order dated 04.04.2022, she



dismissed the application. Aggrieved by the same, the present revision.

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9.The learned counsel for the petitioners submitted that as the plaint admits the sale deed is an unregistered document, the same cannot be received in evidence. He adds that there is no cause of action for the suit and in any event, as the plaintiffs have not sought for the relief of specific performance or declaration of title, the suit deserves to be rejected.

10.Per contra, the learned counsel for the plaintiffs pleads that being an application for rejection of plaint, the submissions of the civil revision petitioners cannot be countenanced. He adds that the learned Trial Judge has considered the issue in correct perspective and that the order of the Trial Court does not require any interference.

11.I have gone through the records. I have considered the submissions made by both sides.

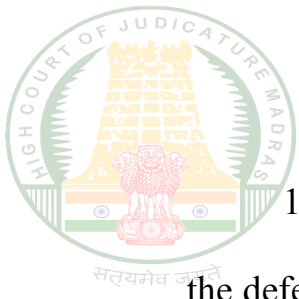
12.The suit is one for bare injunction. The averments in the plaint has been extracted in the earlier part of this order. I should recollect that I am



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dealing with a revision arising out of an application for rejection of plaint. An application for rejection of a plaint is a plea in demurrer. In such a case, the Court takes the averments made in the plaint to be true and thereafter, decides whether it attracts any of the provisions enumerated under Order VII Rule 11 of the Code of Civil Procedure.

13.A reading of the plaint shows that the plaintiffs claim that they had entered possession of the property pursuant to an unregistered sale deed executed by the defendants' father. They claim that they are continuing in possession of the same and are paying the revenue charges. In a suit for bare injunction, a Court decides whether the plaintiff is in lawful possession of the property. It does not decide the issues of title. If the averments made in the plaint are taken to be true, as it should be in an application for rejection of plaint, then it discloses the plaintiffs to be in lawful and settled possession of the property. In case, the plaintiffs prove that they have been in settled possession of the property from 1982 onwards, then they would certainly be entitled for an injunction. [See, *Rame Gowda Vs. M.Varadappa Naidu*, (2004) 1 SCC 769]



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14.In an application for rejection of plaint, this Court cannot go into the defence that is raised by the defendants. The plea that there is no cause of action for the suit is also erroneous, because the specific plea in paragraph No.3 of the plaint is that the defendants 1 to 3 attempted to trespass into the property and dispossess the plaintiffs. This averment is sufficient for a plaintiff to approach the Court and seek its aid for the relief of injunction.

15.Insofar as Mr.B.Gurunathan's arguments that the plaintiffs should have sued for declaration of title or for specific performance is concerned, such a plea is beyond the scope of Order VII Rule 11 of the Code of Civil Procedure. If the Trial Court has entertained such a plea, it would exceed the jurisdiction under Order VII Rule 11 of the Code of Civil Procedure. The learned Trial Judge has rightly not done so.

16.Furthermore, it is informed that the trial of the suit has commenced. That being the stage of the proceedings, it may not be proper for this Court to interfere with the order. All the objections raised by Mr.B.Gurunathan can certainly be raised during trial. I am sure if such pleas on unregistered sale deed and frame of the suit are raised, the learned Judge will frame appropriate



C.R.P. (PD) .No.2396 of 2022

issues and answer the same. Leaving it open to the parties to contest the matter on merits, this revision is dismissed.

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17.In the result, this Civil Revision Petition is dismissed. The order passed by the learned District Munsif Court, Vanur, in I.A.No.01 of 2021 in O.S.No.63 of 2020, dated 04.04.2022 stands confirmed. Consequently, the connected miscellaneous petition is closed. No costs.

22.08.2025

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

To

The District Munsif,
District Munsif Court,
Vanur.



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C.R.P. (PD) .No.2396 of 2022

V.LAKSHMINARAYANAN, J.

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C.R.P.(PD).No.2396 of 2022

22.08.2025