



C.R.P. (PD) No.2677 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 21.08.2025
PRONOUNCED ON : 04.09.2025

CORAM:

THE HON'BLE MR. JUSTICE P.B. BALAJI

C.R.P. (PD) No.2677 of 2025
and
C.M.P. No.15116 of 2025

Roja ... Petitioner
vs.

1. Dr. Ramadas Ramkumar
2. The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai – 600 004. ... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order, dated 30.04.2025 passed by the Principal District Judge, Tiruvallur in I.A. No.4 of 2024 in O.S. No.26 of 2024 and consequently return the plaint in O.S. No.26 of 2024 to be filed before the appropriate Court.

For Petitioner : Ms.S.P. Arthi

For Respondents : Mr.M. Rajeswaran for R1
Mr.N. Muthuvel, Govt. Advocate for R2

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ORDER

The wife, aggrieved by the dismissal of I.A. No.4 of 2024 in O.S No.26 of 2024 on the file of the Principal District Court, Tiruvallur has come up by way of this revision petition.

2. The petitioner wife had taken out an application under Order 7 Rule 10 of the Code of Civil Procedure, seeking return of the plaint filed by the husband before the competent Family Court. The said application has been dismissed by the trial Court and aggrieved by the same, the wife has filed the instant revision petition.

3. I have heard Ms.S.P. Arthi, learned counsel for the revision petitioner; Mr.M. Rajeswaran, learned counsel for the 1st respondent and Mr.N. Muthuvel, learned Government Advocate appearing for the 2nd respondent.

4. The learned counsel for the petitioner, Ms.S.P.Arthi would invite my attention to Sections 7 and 8 of the Family Courts Act, 1984



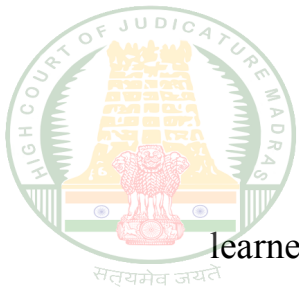
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and contend that any dispute relating to property held by the husband and wife, jointly or individually can only be instituted before the Family Court and jurisdiction of the other Courts is also expressly stated under Section 8 of the Family Courts Act.

5. The learned counsel, pointing out to the reliefs sought for in the suit, would contend that the District Court cannot assume jurisdiction and try the suit. She would therefore pray for the revision being allowed and the plaint to be returned to the husband for presenting the same before the competent Family Court.

6. Per contra Mr.M.Rajeswaran, learned counsel for the 1st respondent would first and foremost challenge the maintainability of the revision.

7. The learned counsel would contend that under Order 43 of the Code of Civil Procedure, an appeal is provided as against an order passed under Order 7 Rule 10 CPC and therefore, he contended that the present revision petition cannot be entertained. Even on the merits, the



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learned counsel for the 1st respondent would state that it is not a lis purely between the husband and the wife, which will alone have to go to the Family Court and referring to the array of parties and pointing out that the Inspector General of Registration, Chennai, is the 2nd defendant in the said suit, he would contend that the suit has to be tried only before the competent Civil Court and the request for return of the plaint is wholly misconceived. He would also state that the trial Court has rightly dismissed the application, placing reliance on the decision of the Hon'ble Division Bench of this Court in the case of ***C. Raja vs. M.Sridevi @ Kalpana in C.R.P. No.926 of 2016, dated 19.04.2025***. The learned counsel would therefore prays for dismissal of the civil revision.

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

9. Firstly, dealing with the maintainability of the revision petition, it is the contention of the counsel for the 1st respondent, Mr.Rajeswaran that, the order under challenge is appealable under the provisions of Order 43 of the Code of Civil Procedure and hence relying on the ratio



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laid down by this Court in ***Meenakshi Sundaram vs Umar John and five others reported in CRP (MD) No.447 of 2023, dated 22.02.2023,***

he contends that the order is appealable. I am unable to countenance the said submission of the learned counsel for the simple reason that under the provisions of Order 43 of the Code of Civil Procedure, only when an application under Order 7 Rule 10 of the Code of Civil Procedure is allowed, an appeal is provided. Order 43 CPC does not provide for an appeal as against the dismissal or rejection of an application under Order 7 Rule 10 of the Code of Civil Procedure. Even in the decision on which reliance is placed viz., in the case of ***Meenakshi Sundaram*** referred herein above, it was a case where the revision was filed against an order allowing an application for return of the plaint. Therefore, under such circumstances, this Court held that the order was appealable. In view of the above, I am unable to countenance the submissions of the learned counsel that the revision is not maintainable.

10. Coming to the merits of the challenge to the order and the contentions of the respective counsel, I find force in the submissions of



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the learned counsel for the petitioner that when jurisdiction is clearly

vested with the Family Court under Section 7 and also reinforce under

Section 8 of the Family Courts Act, any dispute relating to property

owned by the spouses jointly, or by any of them individually, will have

to be necessarily filed before the Family Court. In fact, the provisions of

the Family Courts Act mandate that the Family Court will be the

competent Sub Court or District Court as the case may be for trying such

cases between the husband and wife. The learned counsel for the

respondent has relied on the decision of the Division Bench in **C.Raja's**

case, which in fact, is also relied on by the learned trial Court to non suit

the revision petition. I find that in the said case there were divergent

views between two Hon'ble Judges of this Court regarding

maintainability of the suit before the Family Court and with regard to

interpretation of Section 7 of the Family Courts Act, and hence the

matter was therefore referred to the Hon'ble Division Bench. The suit

was filed seeking the relief of permanent injunction to restrain the

husband from alienating the property.

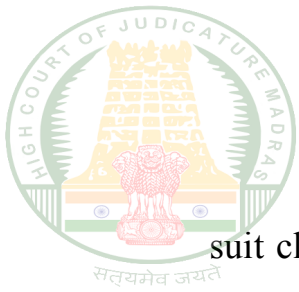
11. The Hon'ble Division Bench therefore on the facts of the said



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case finding that the suit does not fall under explanation (c) and (d) of

Section 7 (1) of the Family Courts Act, held that the Family Court did not have inherent jurisdiction to entertain the said suit filed by the wife against the husband. The Hon'ble Division Bench has further held that the revision petition was maintainable under Article 227 of the Constitution of India to strike off the said plaint. In fact, after the Hon'ble Division Bench answered the reference, the matter went back to the learned Single Judge who proceeded to find that in the plaint, the plaintiff did not seek for any relief of maintenance and the prayer for injunction not being consequential to any claim for maintenance, held that the suit was not maintainable and the revision was allowed, striking off the plaint on the ground that there was a jurisdictional error in entertaining the suit. I do not see how the said ratio laid down by the Hon'ble Division Bench and subsequently followed by the learned Judge of this Court would apply to the facts of the present case. The suit in the case on hand has been filed for the relief of declaration that the husband is the exclusive and absolute owner of the properties set out in the schedule to the plaint and also for consequential reliefs for mandatory injunction and permanent injunction. The said reliefs sought for in the



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suit clearly fall within the four corners of Section 7(1) (c) of the Family Courts Act, which provides for such disputes being tried by the Family Court. In fact, by applying the mandate of Section 8 of the Family Courts Act, jurisdiction is exclusive also. In view of the above, the trial Court has clearly fell in error in applying the ratio of the Hon'ble Division Bench in ***T. Raja's*** case to the facts of the present case, in dismissing the application seeking return of the plaint. Though reliance was placed on the decision of this Court in ***the President, Triuchirapalli Co-operative House Construction Society Ltd., vs. J. Santhi in CRP (MD) Nos.1281 to 1285 of 2018, dated 16.08.2023***, it was a case, where this Court found that an appeal remedy was available under Order 43 Rule 1 of the Code of Civil Procedure and under such circumstances, the revisions filed under Article 227 were dismissed. I have already found that there is no appeal remedy provided under Order 43 of the Code of Civil Procedure to challenge an order dismissing an application filed under Order 7 Rule 10 CPC. Therefore this decision would not apply to the facts of the present case.

12. The learned counsel for the petitioner has relied on the decision of the Delhi High Court in the case of ***Geeta Anand vs. Tanya***



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Arjun and another reported in (2023) SCC Online Del 3535, where the

Delhi High Court referring to Section 7(1) of the Family Courts Act, which enables the suit or proceedings between parties to a marriage in respect of the property of the party, or either of them, to be tried by the Family Court, held that the suit for possession / injunction even filed by the in-laws of the defendant, or either of them, claiming themselves to be the exclusive owners of the property, of which possession is sought or with respect to injunction is prayed for from and against the daughter-in-law, has to be tried exclusively by the Family Court.

13. One another argument which is advanced by the learned counsel for the 1st respondent is that the Inspector General of Registration is a party to the suit and therefore, the suit cannot go before the Family Court. However, I am unable to countenance the said argument of the learned counsel for the 1st respondent. Merely by impleading the Inspector General of Registration and seeking for a permanent injunction against the statutory authority that he should not entertain any registration in respect of the immovable property, which is the subject matter of the suit, will not take away the exclusive



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jurisdiction vested with the Family Court since the dispute is primarily one which clearly falls within the four corners of Section 7(1)(c) of the Family Courts Act.

14. In view of the above, I hold that revision under Article 227, is maintainable before this Court. For the foregoing reasons, the order of the trial Court suffers from infirmity, requiring interference by this Court and the Civil Revision Petition is allowed and the order of the trial Court in I.A. No.4 of 2024 is hereby set aside and the plaint is ordered to be returned to be presented before the competent Family Court. No costs. Consequently, connected miscellaneous petition is closed.

04.09.2025

Internet:Yes/No
Index:Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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P.B. BALAJI, J.

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To
The Principal District Judge,
Tiruvallur.

PRE-DELIVERY ORDER
IN
C.R.P. (PD) No.2677 of 2025
and
C.M.P. No.15116 of 2025

04.09.2025