



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2025

CORAM

**THE HONOURABLE MR JUSTICE P.B. BALAJI**

CRP.No.3504 of 2025

and CMP.No.18971 of 2025

1. M/s.Abiraaaj Constructions

Rep. by its proprietrix Mrs.H.Abirami

No.3, 80 Feet Road, Sathya Gardens,

Saligramam, Chennai – 600 093.

2. M.Hariraaj

3. Mohammed Asif Meera Sa

Petitioner(s)

Vs

1. A.Subashini

2. P.Gomathi

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order dated 23.06.2025 made in unnumbered Suit bearing O.S.SR.No.4714 of 2025 on the file of the First Assistant Judge, City Civil Court, Chennai and consequently direct the Suit to be taken on file and proceeded with, in accordance with law.

**For Petitioner(s):** Mr.R.Arunkumar



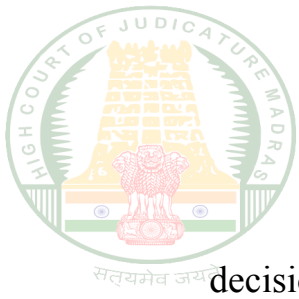
WEB COPY

**ORDER**

This Civil Revision Petition has been filed to aside the order dated 23.06.2025 made in unnumbered Suit bearing O.S.SR.No.4714 of 2025 on the file of the First Assistant Judge, City Civil Court, Chennai

2. Heard the learned counsel for the petitioner.

3. The learned counsel for the petitioner states that the reliefs sought for are in personam and therefore, there is no requirement to file the suit as directed by the trial Court before the Court of the competent jurisdiction, being suit for land. The learned counsel for the petitioner would take me to plaint averments as well as the relief sought for in the plaint. It is seen that the plaintiff seeks to declare the sale deed as well as cancellation deed which were registered as null and void. Moreover, as rightly pointed out by the learned counsel for the petitioner, the said reliefs are maintainable before the City Civil Court at Chennai.



WEB COPY

4. The learned counsel for the petitioner has placed reliance on the decision in *U.Shoban Kumar Vs. A.Karunakaran and others* reported in **2023 (6) CTC 487** wherein this Court referred to the earlier decision of the Hon'ble Supreme Court in *Adcon Electronics Pvt. Ltd Vs. Daulat and another*, reported in **2001 (4) CTC 39 (SC)**, and held that when there is no relief for recovery of possession or adjudication of title and possession of the suit property, then it is not a suit for land. In fact in the case before the Hon'ble Supreme Court as well as Division Bench of this Court, similar reliefs of permanent injunction restraining the defendant from encumbering or alienating the property were sought for. Therefore, the reliefs cannot be refused by the Court on the ground lack of territorial jurisdiction. The decisions relied on by the learned counsel for the petitioner are squarely applicable to the facts of this case. Here also, the plaintiff does not seek any relief of possession or any adjudication of title to the suit property. The relief sought for can certainly be enforced by personal obedience of the defendant, in the event of the plaintiff succeeding the suit. In the light of the above order of the Court stating that the decision is not applicable to the facts of this case without referring to the discussion in the above facts is clearly unsustainable. The plaint instituted before the City Civil Court is



WEB COPY

maintainable. The order of the first Assistant Judge, City Civil Court is set aside. The plaint shall be returned to the learned counsel for the petitioner to enable re-presentation before the Registry of the City Civil Court and the suit shall be taken on file, if it is otherwise in order. Registry is directed to return the original plaint to the learned counsel for the petitioner.

In the light of the above, this ***Civil Revision Petition is allowed.***

Consequently, connected Miscellaneous Petition is closed. No costs.

07.08.2025

dh

To  
The I Assistant Judge,  
City Civil Court,  
Chennai.



WEB COPY



**P.B. BALAJI.J.,**

dh

CRP.No.3504 of 2025  
and CMP.No.18971 of 2025

07.08.2025