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C.R.P.(PD)NO.4014 OF 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDER RESERVED ON : 25 / 10 / 2025

ORDER DELIVERED ON: 28 / 11 / 2025

CORAM :

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

C.R.P.(PD)NO.4014 OF 2022

AND

C.M.P.NOS.20841 & 20844 OF 2022

Mrs.R.K.K.Prema Kumari,
“Brindavan”
1602, Trichy Road,
Coimbatore – 641 018.

... Petitioner/Defendant

Vs.

S.Saleemraja,
Proprietor,
Royal Electronics,
Door No.13/36 (New No.15/27),
Variety Hall Road,
Coimbatore – 641 018.

...Respondent/Plaintiff

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, 1950, praying to Strike off the Suit in O.S.No.649 of 2022 on the file of the Principal District Munsif Court, Coimbatore.



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For Petitioner : Ms.R.Divya Preathika
For Respondent : Mr.Hari Krishnaa
for Mr.S.V.Pravin Rathinam

ORDER

This petition is filed by the Petitioner praying to strike off the Original Suit in O.S.No.649 of 2022 on the file of 'the Principal District Munsif Court, Coimbatore' [hereinafter after referred to as the 'Trial Court'].

2.The Revision Petitioner herein is the Defendant and the Respondent herein is the Plaintiff in the aforesaid Original Suit.

3.The Respondent filed the aforesaid Suit in O.S.No.649 of 2022 seeking permanent injunction against the Revision Petitioner not to interfere with the peaceful possession and enjoyment of the Suit Property except by due process of law.

4.According to the Revision Petitioner, she is the owner of the commercial building in the ground floor, Old Door No.13/36 and New Door No.84, Variety Hall Road, Coimbatore. The same was let for montly rent to one Ameerudin. He died during the tenancy period. His



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legal heirs – Mariammal (wife) and two sons - Nasirudeen and Sirajudeen continued to be treated as tenants. The Revision Petitioner initiated R.C.O.P. No.11 of 2005 against Mariammal, Nasirudeen and Sirajudeen and the same was allowed vide Order dated February 1, 2018. The respondent is an unauthorised sub-tenant under said Sirajudeen. The Revision Petitioner never acknowledged or admitted the respondent as her tenant. The respondent colluded with the previous tenant and filed the Suits in O.S.Nos.325 of 2018 and 395 of 2022 before the Principal District Munsif Court, Coimbatore against the Revision Petitioner and her tenant. Further, the respondent filed another Suit in O.S. No.1208 of 2018 before the Sub Court, Coimbatore, against the Revision Petitioners and her tenant – Sirajudeen for declaration of the eviction order passed in R.C.O.P No.11 of 2005 as null and void. Then respondent filed the present Suit in O.S.No.649 of 2022 before the same Court with identical cause of action and the same relief by suppressing the pendency of the two previous Suits of same nature before the same Court. Hence, the Suit in O.S.No.649 of 2022 is nothing but frivolous, vexatious and a waste of time. The respondent having failed in obtaining an interim relief in the previous Suits, have filed the present Suit which is an abuse of process of law. Accordingly, the Plaint has to be struck off.



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5.Ms.R.Divya Preathika, learned Counsel appearing for the Revision Petitioner submitted that the earlier Suit in O.S.No.325 of 2015 was transferred to the Sub Court, Coimbatore and renumbered as O.S.No.1110 of 2023 and tried along with the another earlier Suit in O.S.No.1208 of 2018. Joint trial was conducted and both the Suits were dismissed vide Common Judgment and Decree dated January 30, 2024. The present Suit is a re-litigation, and a clear abuse of process of law. Accordingly, she prayed to allow the Revision Petition and order to strike off the plaint. In support of her submissions, she relied on K.K.Modi -vs- K.N.Modi reported in (1998) 3 SCC 573; Ishwar Dutt vs- Land Acquisition Collector reported in (2005) 7 SCC 190; Cuddalore Powergen Corporation Limited -vs- Chemplast Cuddalore Vinyls Limited reported in 2025 SCC OnLine SC 82; Dindigul Pettai Sathangudi Shatriya Nadar Uravinmurai -vs- Selvaraj Sundar reported in 2009 (2) CTC 57; N.Babu -vs- S.Shanmugam reported in 2012 SCC OnLine Mad 4471; and M.Devaprakash -vs- P.P.Devaraj dated January 10, 2022 passed in CRP.(PD)No.796 of 2016.

6.Mr.Hari Krishnaa, learned Counsel appearing for the Respondent submitted that the cause of action and the relief sought for in the present



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Suit are different from the two earlier Suits. In the present Suit, the relief sought for is limited so as not to interfere with the peaceful possession and enjoyment of the Suit Property of the Respondent except under due process of law. Further, the respondent preferred an appeal against the Common Judgment and Decree passed by the Sub Court in the two earlier Suit, which is now pending. Hence, the present Suit in O.S.No.649 of 2022 is sustainable. Further submitted that in the present Suit, trial commenced and it is posted for continuation of P.W.1's evidence. Accordingly, he prayed to dismiss the Revision Petition. In support of his arguments, he relied upon the following Judgments: Inbasegaran -vs- S.Natarajan reported in 2015-1-L.W.38; Virudhunagar Hindu Nadargal Dharma Paribalana Sabai -vs- Tuticorin Educational Society reported in (2019) 9 SCC 538; R.Arun -vs- D.Manivannan reported in 2017-2-L.W.981; K.Ponnamal -vs- V.Thayanban reported in 2012 MWN 561; Rajkumar S.Mehta -vs- S.Renuka Devi reported in MANU/TN/7624/2021; V.Amutha -vs- Venkatesan reported in MANU/TN/8848/2022.

7.This Court has considered both sides' submissions and perused the records.

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8. Admittedly, the Revision Petitioner is the owner of the aforementioned commercial premises and one Ameerudin was the original tenant. Ameerudin passed away and his legal heirs were treated as tenants and the Revision Petitioner initiated R.C.O.P. No.11 of 2005 for eviction and the same was allowed on February 1, 2018. Thereafter, the respondent filed a Suit in O.S.No.325 of 2018 against the Revision Petitioner and Sirajudeen. (one of the legal heir of original tenant – Ameerudin) seeking permanent injunction restraining the Revision Petitioner from interfering with respondent's possession and enjoyment of the said commercial premises except by due process of law. He filed another Suit in O.S.No.1208 of 2018 before the Sub Court, Coimbatore, seeking declaration that the Order passed in R.C.O.P. No.11 of 2005 by the Rent Controller cum Principal District Munsif, Coimbatore is null and void. He also filed another Suit in O.S.No.395 of 2022 against the Revision Petitioner seeking permanent injunction restraining the revision petitioner from causing disturbance in any manner whatsoever with his possession and enjoyment of the said commercial premises. The said Original Suit in O.S.No.395 of 2022 was dismissed for default on September 26, 2024. A joint trial was conducted in O.S.No.325 of 2018 [transferred and renumbered as O.S.No.1110 of 2023 as stated above]



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and O.S.No.1208 of 2018 and both the Suits were dismissed vide Common Judgment and Decree dated January 30, 2024.

9. From the above it is clear that the respondent and Sirajudeen colluded together to escape the Order passed in R.C.O.P. No.11 of 2005. The cause of action and the prayer sought for in the earlier Suits in O.S.No.325 of 2018 and O.S.No.395 of 2022 are one and the same. Both were dismissed. The declaration Suit in O.S.No.1208 of 2018 was also dismissed. Hence, the present Suit in O.S.No.649 of 2022 is filed only with a view to harass and bend the Revision Petitioner. The collusiveness between the respondent and Sirajudeen, the legal heir of the original tenant is apparent on the face of record. The present Suit is a clear abuse of process of law. Hence, this Court is of the view that this is a fit case to invoke Article 227 of the Constitution of India and order to strike off the present Suit on the ground that it is an abuse of process of law. There is no quarrel with the case laws relied on either side.

10. In the result, the Civil Revision Petition is allowed. The Suit in O.S.No.649 of 2022 on the file of Principal District Munsif, Coimbatore, is hereby ordered to be struck off. In view of the facts and



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circumstances of this case, there shall be no order as to costs.

Consequently, connected Civil Miscellaneous Petitions are closed.

28/11/2025

Index : Yes
Speaking Order : Yes
Neutral Citation : Yes
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To

The Principal District Munsif Court,
Coimbatore.



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R. SAKTHIVEL, J.

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PRE-DELIVERY ORDER MADE IN

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