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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

**C.R.P.Nos.4315 & 4316 of 2024
and CMP.No.23983 of 2024**

1. K.C.Venkatesh
2. R.Karthikeyan
3. B.Vivek @ Karthik
4. B.S.Sakthivel
5. S.Sukumaran
6. Ravi

... Petitioners
in both petitions

Vs.

E. Jagadeesan

... Respondent
in both petitions

COMMON PRAYER :- Civil Revision Petitions filed under Article 227 of the Constitution of India to set aside the impugned fair and decreetal orders dated 18.09.2024 in I.A.Nos 8 & 9 of 2024 in O.S.No.206 of 2018 on the file of the learned Additional Subordinate Judge at Krishnagiri.



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For Petitioners : Mr.S.Subramanian
in both petitions

For Respondent : Mr.E.Duraivaiyapuri
in both petitions

COMMON ORDER

These Civil Revision Petitions have been filed to set aside the impugned fair and decreetal orders dated 18.09.2024 in I.A.Nos.8 & 9 of 2024, in O.S.No.206 of 2018, on the file of the learned Additional Subordinate Judge at Krishnagiri.

2. These revision petitions are being filed challenging the orders in two interlocutory applications namely I.A.No.8 of 2024, seeking the relief of striking off the 2nd item of the suit property from the suit filed under Order VI Rule 16 of CPC and I.A.No.9 of 2024, filed under Order I Rule 10 (2) of CPC, to delete the names of the defendants 3 to 8 from the array of parties in the suit. These applications came to be dismissed by the trial Court on the ground that the applications were taken out belatedly and as against the said orders, the defendants 3 to 8 are before



this Court by way of the above revision petitions.

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3. The learned counsel appearing for the petitioners submitted that even according to the plaintiff, the defendants are arrayed as pro-forma parties to the suit and that the relief sought for is only as against the 1st defendant. He further submitted that the revision petitioners have purchased the property on 24.09.2018, even prior to the institution of the suit, from none else than the plaintiff himself / the 1st respondent and subsequently, the revision petitioners have also effected mutation of revenue records in their favour and in fact, they both were absolutely in enjoyment of item No.2 of the suit property.

4. The learned counsel for the respondent submitted that the defendants have even chosen to file a written statement, and a copy of the same is also not enclosed in the typed set of papers. He further stated that having contested the suit and not filing such applications at the beginning of the litigation, belatedly after trial has commenced, the said applications have been taken out. Hence, the learned counsel submitted that there is no infirmity in the order of the trial Court.



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5. Insofar as the application for striking-off the 2nd item of the suit property from the suit filed under Order VI Rule 16 of CPC is concerned, the Court is empowered to strike-off the pleadings at any stage of the proceedings, which indicates that it is not even necessary that the same has to be exercised only pending suit but before the appeal or revision is filed. Under Order 1 Rule 10 of the Civil Procedure Code, the Court is empowered to strike-off the plaint at any stage of the proceedings and can add or substitute the correct person and it cannot be put against the revision petitioners. Even on a perusal of the plaint, the plaintiff is not claiming any relief on the 2nd item of the suit property, since the said property has already been alienated in favour of the revision petitioners by himself prior to the filing of the suit.

6. In view of the above, I am of the considered view that the order passed in I.A.Nos.8 & 9 of 2024 in O.S.No.206 of 2018 on the file of the learned Additional Subordinate Judge, Krishnagiri have to be set aside and the same is hereby set aside.



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7. With these observations, these Civil Revision Petitions are allowed. The 1st respondent is at liberty to proceed against the 1st defendant, in accordance with law. No costs. Consequently, connected miscellaneous petition is also closed.

Index : No
Internet : Yes
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18.07.2025

To
The learned Additional Subordinate Judge
Krishnagiri.



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P.B.BALAJI, J.

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