



WEB COPY

CRP No. 4212 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-09-2025

CORAM

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

**CRP No. 4212 of 2025 and
CMP No.21676 of 2025**

1. Mannar

S/o. Kannu,

Res. at Thandrampet Main Road,

Samuthiram Village,

Nallavanpalayam Post, Tiruvannamalai

Taluk and District.

2. Selvam

S/o. Mannar,

Res. at Thandrampet Main Road,

Samuthiram Village,

Nallavanpalayam Post, Tiruvannamalai

Taluk and District.

3. Ramesh

S/o. Mannar,

Res. at Thandrampet Main Road,

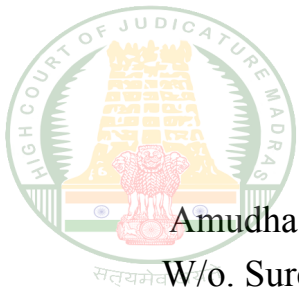
Samuthiram Village, Nallavanpalayam

Post, Tiruvannamalai Taluk and

District.

Petitioners

Vs



Amudha

W/o. Suresh,

Thandrapet Main Road, Samuthiram
Village, Nallavanpalayam Post,
Tiruvannamalai Taluk and District.

Respondent

PRAYER This Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow the above CRP by setting aside the fair and Decretal order dated 18.07.2025 passed in IA No. 1 of 2024 in OS No. 518 of 2023 on the file of the Additional Sub Court, Tiruvannamalai.

For Petitioner(s): M/s.Swetha J

ORDER

This Civil Revision Petition has been filed seeking to set aside the fair and decretal order dated 18.07.2025 passed in IA No. 1 of 2024 in OS No. 518 of 2023 on the file of the Additional Sub Court, Tiruvannamalai.

2. Heard the learned counsel appearing for the petitioners and perused the materials available on record.

3. The unsuccessful defendants have preferred this civil revision petition.

4. The suit in O.S.No.518 of 2023 has been filed by the plaintiff against the defendants, for the relief of declaration of title and for permanent injunction.



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The defendants have filed an application in I.A.No.1 of 2024 in O.S.No.518 of 2023 before the Additional Subordinate Court, Thiruvannamalai under Order 14

Rule 2(2) and Section 151 of the C.P.C., to frame preliminary issue, as to whether the plaintiff has title and whether the suit is maintainable or not. The Court below dismissed the said application on the ground that the suit itself has been filed seeking relief of declaration of title and whether the plaintiff has obtained title of the suit property, has to be determined only after trial of the suit and also stated that there is no necessity arose to frame the preliminary issue as alleged by the revision petitioners.

5. The learned counsel for the petitioners submitted that the Court below, without properly considering the documents filed along with the plaint, erroneously dismissed the application filed by the petitioners. The suit property is not covered under the General Power of Attorney Deed. Hence, the sale deed obtained by the plaintiff's mother is not valid one and the settlement deed did not confer any right on the plaintiff. Hence, the suit is not maintainable.

6. According to the revision petitioners, the respondent's mother obtained the suit property by registered sale deed from power agent one



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Mr. Krishnamurthy. But the said Krishnamurthy never executed a General Power of Attorney deed. Hence, the plaintiff's mother has not obtained the suit property from the lawful owner. If a person has not obtained any property from the lawful owner, the same is not valid under the eye of law. The suit is filed seeking the relief of declaration of title and for permanent injunction based on the settlement deed dated 31.3.2022. When the parties raise a plea of right based on the document, the same has to be agitated before the Court below by framing necessary issues in the manner known to law. The revision petitioners have raised the ground that whether the plaintiff has title over the property and whether the suit is maintainable. The Court below rightly dealt with the issue and passed the impugned order.

7. Considering the submissions made by the learned counsel for the petitioner and also considering the facts and circumstances of the case and also upon perusal of the records, this Court does not find any reason to interfere with the impugned order passed by the Court below. There is no merit in the civil revision petition and the same is liable to be dismissed.



8. Accordingly, this Civil Revision Petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Additional Subordinate Judge,

Additional Sub Court, Tiruvannamalai.



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M.JOTHIRAMAN J.

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