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CRP. No.5016 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:25.08.2025

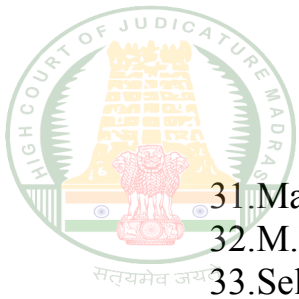
Pronounced on:12.09.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

**CRP. No.5016 of 2023 and
and CMP. No.29235 of 2023**

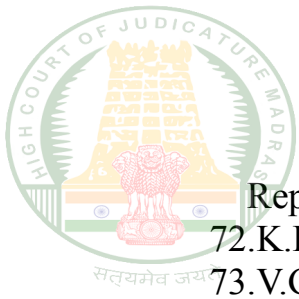
- 1.R.Govindha Reddy
- 2.G.Karunakaran
- 3.T.G.Baskar
- 4.G.Vivekanandhan
- 5.Anjali
- 6.Y.Vanchikodi
- 7.R.Babulal
- 8.Gandhimathi
- 9.K.Jayagowry
- 10.K.Kavitha
- 11.B.Nirupa
- 12.K.Ruby Manoharan
- 13.S.R.Madhankumaran
- 14.R.Srinivasan
- 15.K.Rajasulochana
- 16.S.Shanthi
- 17.D.Arulsaravanan
- 18.R.Vijayalakshmi
- 19.R.Lakshmipathi Reddy
- 20.L.Ramesh
- 21.S.Mogana Kumaran
- 22.M.Karthikeyan
- 23.Bhagavathi
- 24.B.David Raja
- 25.S.Paramasivan
- 26.S.Muthukrishnan
- 27.R.Amudhavalli
- 28.K.Geetha
- 29.N.Sandhyarani
- 30.K.Dayanandan



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31. Matheswaran
32. M. Pavalakkodi
33. Selvi
34. K.S. Soundrapandian
35. B. Ellammal
36. M. Santhana Lakshmi
37. K. Rajathiruvengadam
38. R. Sekar
39. T.S.R. Dhana Shekhar
40. P. Arun Augustine
41. R. Venkataraman
42. S. Dhivya
43. K. Shankar
44. P. Janani
45. M. Muthukumar
46. M. Rameshwari
47. N. Rajeswari
48. Rama Vijay
49. S.R. Vignesh
50. S. Rajendran
51. K. Kannan
52. R. Muralidharan
53. G. Stephen
54. D. Sridhar
55. T. Sundararajan
56. S. Vivek
57. T. Lakshmi
58. R. Raja
59. S. Girija
60. V. Geetha
61. J. Sarala
62. V. Rajesh
63. S. Regan Rabert James
64. S. Harihara Sudhan
65. A. Balamurugan
66. B. Chithi
67. S. Saravanan
68. T. Kalaimathi
69. P. Uma
70. Prashanth S.L.A
71. Ruby Builders & Promoters,



CRP. No.5016 of 2023



Rep. by its Partner K.Ruby Manoharan

72.K.P.Anbarasan

73.V.Gopinath

74.Arun Augustin

75.P.Guna Gnana Sowandari

76.N.Amirtha Rajan

77.R.Nithya

78.P.Dhanalakshmi

79.D.Balachendran Builder,

S/o.Devaiyah

Petitioners

Vs

1.P.Shanthi

2.Malliga

3.Pangajam

4.Logeshwari @ Logammal

5.Renuka

6.Saratha

7.Vijaya

8.D.Chakravarthy Reddy

9.C.Nandagopal

10.Chinnammal

11.Ismayee Ammal

12.R. Munu Singh

13.Y. Narayana Singh

14.Kuber Singh

15.Ram Pillai

16.Gopal Pillai

17.G. Karmega Kannan

18.K.Rajesh

19.K.Rakesh

20.L.Govindha Singh

21.K.Venkattaraman

22.Sathiyamurthy

23.N.Gopi

24.D.Rathikumari

25.C. Arunkumar

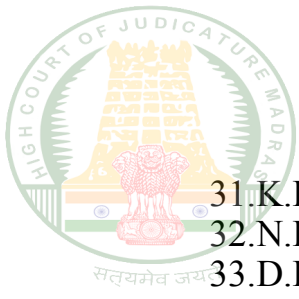
26.C.V. Ramadoss

27.V.Srinivasan

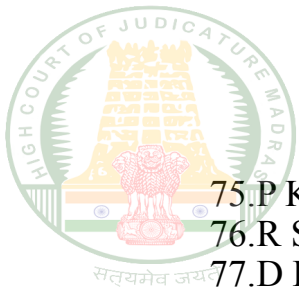
28.N.N.Vijay

29.S.Jegan

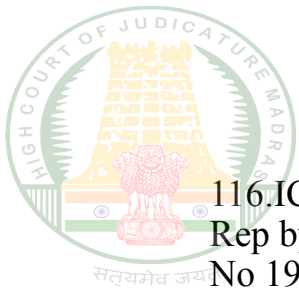
30.M.Manojanathan



- 31.K.R.Mekala
- 32.N.Dhilip
- 33.D.Deivnayaki
- 34.R.Balaji
- 35.K.Santhi
- 36.Durairaj
- 37.V.Subbulakshmi
- 38.Theophilus Joe Colaso
- 39.E. Santhana Krishnan
- 40.S.Vaishnavi
- 41.P.Sri Sundaramoorthy
- 42.R.Prakash
- 43.G.Kannan
- 44.P.Gomathinayagam
- 45.A.Mahalakshmi
- 46.M.Saravana Kumar
- 47.M.Chitra
- 48.M.Muthukumaran
- 49.S.Jonespraveen
- 50.L.Saraswathy
- 51.S.Sudharsan
- 52.Karthik
- 53.Nagarathinam
- 54.Ganesh Kumar
- 55.S.P.Arul Senthilkumar
- 56.K. Thanikachellam
- 57.Thanigainathan Lavanya
- 58.Siranjeevi Thanigainathan
- 59.A.Velayutham
- 60.L. Leo Nixon
- 61.M.Viswanathan
- 62.K Parvathaa
- 63.Rathinakumar
- 64.B Murali
- 65.L Udhayan
- 66.M. Yuvaraj
- 67.B Poornima
- 68.AL. Sivakumar
- 69.AS Sabitha
- 70.V Sathyamoorthy
- 71.S Gandhimathi
- 72.K Naveenkumar
- 73.T. Suganya
- 74.M Thulasiraman

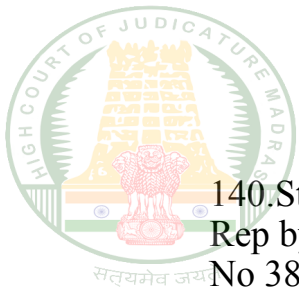


- 75.P Kuppammal
76.R Sajeew
77.D Revathi
78.Y. Rathina pandi
79.Vijai Chandru
80.V Shruthi
81.S.N Vignesh
82.G Vanithasan
83.J. Ebin
84.Guniputi Krishna Chaitanya
85.P Madeshwari Jeyanthi
86.K Kathiravan
87.K Kannabiran
88.P. Thulasi
89.H.Vinoth Kumar
90.H. Yogesh
91.G.Venkata Ramanan
92.Mariganesh
93.Subashree
94.P.Anand
95.R. Kaliammal
96.X. Gladwin Kirubaharan
97.R Mariya Selvam
98.Kumaran
99.P Lavanya Lakshmi
100.P.Sridhar
101.Priya Sridhar
102.K. Prema Raani
103.VG Bhaskar
104.Subrahmanyeswararao Vellanki
105.Hemanth Vellanki
106.Sowmiya
107.V.S. Janani
108.V Rajesh
109.R Revathi
110.S Rajakumar
111.S.Jonespraveen
112.M Arumugam
113.S Manoj Kumar
114.R. Babu Lal
115.HDB Financial Services Ltd.
Rep by its Manager,
No 132, SS Mall, 2 Floor, Kodambakkam,
Chennai-600 034.

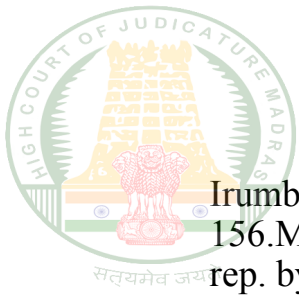


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- 116.ICICI Bank Ltd.
Rep by its Manager,
No 195/104, 1 Floor,
Arcot Road, Vadapalani, Chennai-600 026.
- 117.Amuthavalli
- 118.M. Vidya
- 119.Sriram Rajamuthan
- 120.Kuppammal
- 121.Mohan
- 122.Thanikachalam
- 123.Shivji D. Patel
- 124.Kulandiya Pillai
- 125.M. Mavji Patel
- 126.S. Narmathaben
- 127.Damayanthi
- 128.S Kamala Ben
- 129.S Thulasi Das
- 130.S. Ramesh
- 131.M/s. Gnanaguru Developers Pvt. Ltd.
Rep by its Director A Sridevi
office at Z Block, 1111, 3-B.
13th Street, Ground Floor
Anna Nagar, Chennai-600 040.
- 132.S Balaji Singh
- 133.The Commissioner
Tambaram Municipality Corporation,
Tambaram ,Chennai – 600 045.
- 134.The Pentecostal Mission
Rep by Pastor in charge
Roja Street, Srinivasa Nagar post,
Irumbuliyur,Chennai-600 063.
- 135.D Arunachalam
- 136.D Siva
- 137.Rejina Mohan
- 138.Axis Bank Limited
Rep by its Manager
No 17 and 19.
Duraismy Reddy Street
Tambaram, Chennai-600 045.
- 139.M/s. LIC Housing Finance Limited
No 30/1A Abdul Razack 1- Street,
Saidapet, Chennai-600015
T.Nagar BranchNo. 108/80, Ragavaiah Road,
T.Nagar, Chennai-600 017.



- 140.State Bank of India
Rep by its Manager
No 388, Velachery Main Road,
Selaiyur, Chennai-600 073.
- 141.Ganesh Muthu
- 142.P Susithrapriya
- 143.Housing Development Finance Corporation Ltd., (HDFC)
No.760, 2 Floor, ITC Center,
Anna Salai, Chennai-600 002.
- 144.State Bank of India
Retail Assets Central Processing Centre (RACPC) Ayyappanthangal,
Chennai-600 056.
- 145.Can Fin Homes Ltd
Perungudi, Chennai-600 096.
- 146.Vijaya Bank
Tambaram Branch
Tambaram, Chennai.
- 147.Union Bank of India
Kancheepuram Branch
Kancheepuram District.
- 148.IDBI Bank Ltd
No 24/36, Kalpalathika Towers,
Dr Ambedkar Salai,
Kodambakkam, Chennai-600 024.
- 149.State Bank of Travancore
Shenoy Nagar Branch Chennai.
- 150.Allahabad Bank
Tambaram Branch
West Tambaram, Chennai-600 045.
- 151.State Bank of India
Retail Assets Central Processing Centre (RACPC)
OMR, Rajiv Gandhi Salai, Chennai-600 096.
- 152.Indian Bank
No 254-260, Avvai Shanmugam Salai.
Royapettah, Chennai-600 014.
- 153.Bajaj Housing Finance Limited
804, 805 and 806, Delta Wing,
8th floor, Raheja Towers, No.177, Anna Salai,
Chennai 600 002.
- 154.P.Subasree
- 155.Pentecostal Mission Church
The Pentecostal Mission,
Rep by Pastor in charge,
Roja Street, Srinivasa Nagar post,



Irumbuliyur, Chennai 600 063.
156.M/s Lalitha Homes
rep. by its Proprietor K Suresh Kumar, Door
No 99, Paalur Main Road, Vadakkupaatu Post,
SP. Koil Via, Kancheepuram-603 204.

Respondents

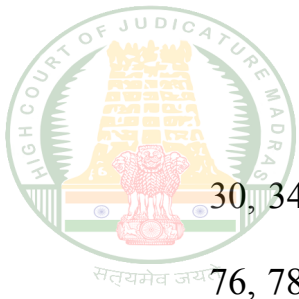
PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to invoke the supervisory jurisdiction vested with this Court under Article 227 of the Constitution of India and reject the plaint in O.S. No.444 of 2023 on the file of the Mahila Court, Chengalpattu, Kanchipuram, as against the petitioners and the defendants 26, 27, 31 to 33, 36, 37, 46 to 48, 51, 53 to 55, 57, 59, 62, 64, 71, 73, 75, 77, 79, 80, 86 to 90, 95, 99, 104 to 107, 113, 115 to 124, 127, 130 to 132, 134, 135, 137 to 139, 140, 141, 145 to 148, 150, 151, 155 to 162 and in respect of the land in survey No.165, Irumbuliyur Village, morefully described as item V of the plaint “A” schedule.

For Petitioners : Mr.C.Jagadish

For Respondent : Mrs.Kanimozhi Mathi for
Mr.V.Anthony Elangovan Raj for R1
Mr.E.Viswanathan for R4 and R5
Mr.R.Jayaprakash for Respondents-
R11, 21 to 25, 29, 31, 32, 34, 37, 39,
40 to 49, 51, 53 to 55, 59 to 62, 64 to
70, 72, 75 to 83, 85 to 90, 92 to 106,
108, 112, 113, 117 to 119, 122, 123,
125, 126, 128 to 130, 132 and 142.
Not Ready- Respondents 2, 3, 6 to 10,
12 to 20, 26 to 28, 30, 33, 35, 36, 38,
50, 52, 56 to 58, 63, 71, 73, 74, 84, 91,
107, 109 to 111, 114, 115, 116, 120,
121, 124, 127, 131, 133 to 141, 143 to
156.

ORDER

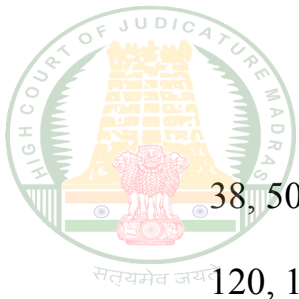
This revision has been filed by the defendants 19, 21 to 25, 28 to



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30, 34 to 36, 38 to 45, 49, 50, 52, 56, 58, 60, 61, 63, 65 to 70, 72, 74 to 76, 78, 81 to 87, 89, 91 to 94, 96 to 98, 100 to 103, 108 to 112, 114, 125, 126, 128, 129, 133, 136, 137, 158, 179, 188, 212, 219, 220, 230 and 232 seeking to reject the plaint in O.S. No.444 of 2023 on the file of the Mahila Court, Chengalpet, Kancheepuram as against the revision petitioners and defendants Defendants 26, 27, 31 to 33, 36, 37, 46 to 48, 51, 53 to 55, 57, 59, 62, 64, 71, 73, 75, 77, 79, 80, 86 to 90, 95, 99, 104 to 107, 113, 115 to 124, 127, 130 to 132, 134, 135, 137 to 139, 140, 141, 145 to 148, 150, 151, 155 to 162 in respect of lands comprised in S.No.165, Irumbuliur Village which has been set out in Item No.V of schedule A in the plaint.

2. I have heard Mr.C.Jagadish, learned counsel for the revision petitioners and Mrs.Kanimozhi Mathi, learned counsel for Mr.Anthony Elangovan Raj, learned counsel for the first respondent/plaintiff, Mr.E.Vishwanthan, learned counsel for the respondents 4 and 5 and Mr.R.Jayaprakash, learned counsel for the respondents 11, 21 to 25, 29, 31, 32, 34, 37, 39, 40 to 49, 51, 53 to 55, 59 to 62, 64 to 70, 72, 75 to 83, 85 to 90, 92 to 106, 108, 112, 113, 117 to 119, 122, 123, 125, 126, 128 to 130, 132 and 142. Mr.C.Jagadish, learned counsel for the petitioners has given up the respondents 2, 3, 6 to 10, 12 to 20, 26 to 28, 30, 33, 35, 36,



38, 50, 52, 56 to 58, 63, 71, 73, 74, 84, 91, 107, 109 to 111, 114, 115, 116,
120, 121, 124, 127, 131, 133 to 141, 143 to 156.

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3. The suit has been filed for partition and separate possession and also to declare the individual sale deeds that have been registered in the names of various defendants as null and void. Alleging fraud, powers of attorney as well as memorandum of deposit of title deeds, construction agreement are also sought to be declared as null and void, besides various sale deeds that are also sought to be declared as null and void. The reliefs in the suit are in fact, numbering a staggering 265 reliefs. Ultimately, after declaring the various registered documents are null and void, the plaintiff seeks for a preliminary decree for partition of her 1/16th share of schedule A, B, C & D properties. The present revision petitioners are seeking to reject the plaint insofar as the Item Nos.V of plaint A schedule property alone.

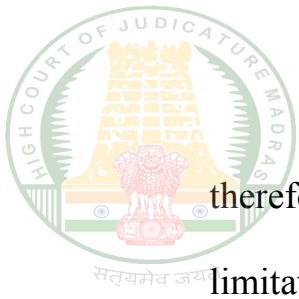
4. Mr.C.Jagadish, learned counsel for the revision petitioners would fairly states that piece meal rejection of the plaint may not be permissible, but however he seeks for this Court to exercise the extraordinary and supervisory powers under Article 227 of the Constitution of India to strike off the pleadings relating to Item V of the



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plaint A Schedule property. It is the case of the revision petitioners that they are all purchasers of various plots in an approved layout which has been formed in S.No.165 of Irumbuliur Village. The property had been sold originally by one Thiruvengkata Pillai, under a registered sale deed dated 07.05.1910, in favour of one P.Narasimmulu Reddiar and in turn, the property was inherited by Govinda Reddiar, Lakshmipathi Reddiar and Radhakrishnan Reddiar through their father P.Ramanuja Reddiar, who had in turn inherited the property from the purchaser Narasimmulu Reddiar in the year 1910, who had died without any Class I legal heir and thus, the brother Ramanujam Reddiar became entitled to the said property which is described in Item 5 of Schedule A.

5. Mr.C.Jagadish, learned counsel for the revision petitioners contends that the subject extent of 2.21 acres comprised in S.No.165 never belonged to the forefathers and predecessors of interest of the plaintiff at any point of time and the layout has also been approved by the Competent Authority, pursuant to which, the revision petitioners and other defendants have invested their hard earned savings and purchased individual plots in the said approved lay out, for valuable sale consideration. It is also contended by Mr.C.Jagadish that in terms of Section 3 of the Transfer of Property Act, 1882, registration is notice and



therefore, the suit filed in the year 2023 is hopelessly barred by limitation, since the sale deeds and various other documents that are under challenge in the suit are all executed and registered in and around 2012.

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6. It is also contended by Mr.C.Jagadish, learned counsel that the plaint is totally silent about how the plaintiff is entitled to a right in the said S.No.165 of Irumbuliyur Village. He would further state that even in terms of Section 6 of the Hindu Succession Act, 1956, the plaintiff is prohibited from claiming any right in respect of transfer by registered instrument prior to 20.12.2004. It is also the contention of the learned counsel for the petitioners that the only document on which the plaintiff relies on for claiming partition is a partition deed dated 11.11.1953, executed before the Pallavaram Sub Registrar Office in Doc. No.1991 of 1953. Taking me through the said document Mr.C.Jagadish, learned counsel would contend that the said S.No.165 is not even part of the said partition deed and therefore, there is absolutely no cause of action for the plaintiff to institute the suit for partition in respect of S.No.165 and seek for various reliefs which are all pertaining to small pockets of lands comprised in said Survey Number.



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7. In support of his contentions, the learned counsel for the petitioners would also rely on the decision of this Court in (i) *Uma Devi and Others Vs. Anand Kumar and Others*, reported in (2025) 5 SCC 198 and *Saraswathy Ammal and others, Vs. Govindan and another*, reported in 2020-4-L.W.254.

8. Per contra, the contesting first respondent/plaintiff Mrs.Kanimozhi Mathi would state that the prayer seeking rejection of the plaint is not maintainable, since according to the revision petitioners they seek only to reject the plaint in relation to Item V of Schedule A alone. She would contend that such piecemeal rejection of the plaint is not permissible and the plaint has to be rejected as a whole or not rejected. She would further state that it is a matter for trial and the plaint cannot be rejected in the manner sought for by the revision petitioners and it is always open to the plaintiff to establish her contentions at trial by adducing necessary evidence. She would therefore pray for dismissal of the Civil Revision Petition. In support of her contentions, she would rely on the following decisions:

(i) *Kum.Geetha & Others Vs. Nanjundaswamy and others*, reported in CDJ 2023 SC 996;

(ii) *C.Nagaraj & Another Vs. B.P.Mruthunjayanna and Others*,



reported in *CDJ 2023 SC 702*; and

(iii) *V.Seema Vs. K.Senthilnathan and Others*, reported in *CDJ 2025 MHC 4586*.

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9. I have carefully considered the submissions advanced on either side.

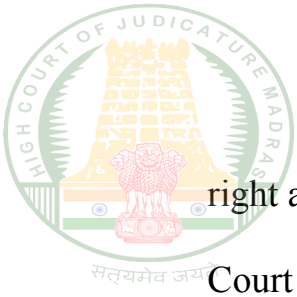
10. No doubt as rightly contended by both the learned counsel for the petitioners as well as the first respondent, firstly invoking Order VII Rule 11 CPC, the plaint cannot be rejected in part. If any of the limbs of Order VII Rule 11 CPC, are made out then the plaint would have to be rejected as a whole. Therefore viewed from this angle, I do not see that the revision petitioners are entitled to relief of rejection of the plaint as sought for. However, under Order VI Rule 16 CPC, the Court has a power to strike off pleadings, (a) which may be unnecessary, scandalous, frivolous or vexatious, of (b) which may tend to prejudice, embarrass or delay the fair trial of the suit, or (c) which is otherwise an abuse of the process of the Court. The power under Order VI Rule 16 of CPC unlike, Order VII Rule 11 of CPC permits the Court to, at any stage of the proceedings, to strike off or amend any matter in any pleadings. Therefore, though the plaint cannot be rejected under Order VII Rule 11



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CPC and as rightly contended by the learned counsel for the first respondent, the High Court cannot reject the plaint exercising power under Article 227 of the Constitution of India, this Court is well within its power to invoke Order VI Rule 16 CPC, if it is shown that the plaint is an abuse of process or frivolous and vexatious.

11. It is the specific contention of the revision petitioners that the suit is an abuse of process since the revision petitioners are bonafide purchasers of value of separate and divided plots formed in an approved layout and they have been put in possession of the said plots on the respective dates of purchase as well. Without any document to substantiate that the plaintiff is entitled to a share in the said property viz., Item V of Schedule A, the plaintiff has instituted the suit as if the said property is available for partition. The only document on which the plaintiff relies on is the partition deed which is filed as plaint document No.1. On a perusal of the same, it is clear that the S.No.165, which is set out as Item No.V to schedule A does not form part of the said partition deed. It is also clearly shown that neither the plaintiff nor the predecessors in interest and title of the plaintiff, had at any point of time, any iota of right in S.No.165. Therefore, the present suit for partition including S.No.165 measuring 2.21 acres is clearly without any subsisting



right and it amount to clear abuse of process. There is no necessity for the

Court to go into the issue of whether the plaintiff is entitled to any share in the said property since it is not even prima facie shown in the plaint as to how the plaintiff is entitled to a share in the suit property and further, the property has already been dealt with and several third parties have purchased plots in the approved layout and they have been put in possession as well and all these documents are 10 years and more earlier to the institution of the suit itself. The reliefs of declaration also cannot be said to be in time and they are clearly barred by law of limitation.

12. Under Article 59 of the Limitation Act, 1963, a declaratory relief to cancel or set aside an instrument or decree has to be filed within a period of three years when the facts entitling the plaintiff to have the instrument or decree cancelled or set aside or contract rescinded first becomes known to the plaintiff. The claim of the plaintiff is that one Thiruventadapillai was the Kartha of the Hindu Undivided Family and he had two sons and two daughters and the plaintiff is one of the daughters of Duraipillai, Son of Thiruvenkatapillai. It is seen from the document dated 07.05.1910 that Thiruvengatapillai, is the son of Rajarathinam Pillai (Karuneegar Vishnu Matham) who sold the subject lands to Narasimmulu Reddiar in the year 1910. However, in the documents under which, the

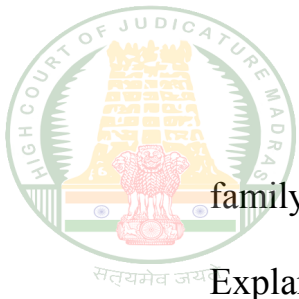


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plaintiff claims right viz., the partition deed dated 11.11.1953, it is seen that the said Thiruvengatam Pillai is the son of one Mutha Pillai (Yadhavar Kulam) and the said partition deed which is the fountain head of claim for partition does not even reflect S.No.165 of Irumbuliur Village. Therefore, it is clear that taking advantage of the name Thiruvenkata Pillai, the suit has been filed including the S.No.165. Even on reading of the plaint, there is absolutely no reference as to how the said item of property viz., 2.11 acres in S.No.165 of Irumbuliur Village was owned by the joint family and absolutely no details have been furnished in the plaint, excepting from including the property of one of the items of the schedule in the suit for partition.

13. Though the first respondent has relied on an A register to show that S.No.165 stands in the name of Thiruvengatapillai, it certainly cannot pertain to the Thiruvengatapillai under whom the plaintiff is claiming right, but only the other Thiruvengatampillai who had possessed and owned the property and conveyed the same to Naramsimmulu Reddiar, in the year 1910.

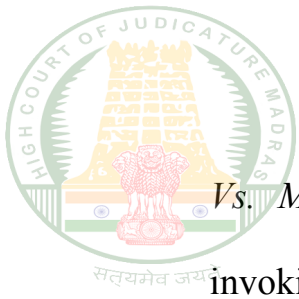
14. In *Umadevi's* case, (referred herein supra), the Hon'ble Supreme Court held that the person who has been excluded from the joint



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family property can enforce his/her right subject to Section 3, Explanation 1 of the Transfer of Property Act and the suit for partition filed after 55 years was dismissed by the Hon'ble Supreme Court holding that when the property had been disposed of by various registered sale deeds and suit for partition itself was filed after more than 5 decades. The Hon'ble Supreme Court found that the limitation would begin from the date of registration of sale deed which constitutes constructive notice under Section 3 Explanation 1 of the Transfer of Property Act. The Hon'ble Supreme Court further held that Section 3, Explanation I imposes a constructive notice under compulsory registerable conveyances and therefore, the suit for partition would not lie after a lapse of several decades.

15. In *Saraswathi Ammal's* case (referred herein supra), this Court held that even without an application for rejection of the plaint under Order VII Rule 11 CPC or Order VI Rule 16 CPC to strike off pleadings, if it is found that the plaint is an abuse of process, then the Court has the power to strike off pleadings or reject the plaint as the case may be. This Court took note of the ratio laid down by the Hon'ble Supreme Court, in *K.Arivandandam Vs. T.V.Sathyapal*, reported in AIR 1997 SC 2421 and *Ranipet Municipality represented by Commissioner and Special Officer*



Vs. M.Shamsheerkhan, reported in 1998 (1) CTC 66 and held that

invoking Article 227, the High Court can strike out the plaint and there is no bar for exercise of such power, if it shown that the plaint is an abuse of process and in order to prevent miscarriage of justice, the invocation of jurisdiction under Article 227 is warranted.

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16. Referring to the decisions in *Kumari Geetha's* case (referred herein supra), the Hon'ble Supreme Court held that the High Court erred in allowing applications in part and rejecting the plaint with regard to one item of the property alone and also held that if the plaint is to be bifurcated and it is found that it did not disclose any cause of action against defendants 2 to 4 alone and the suit has to be continued against the first defendant Company alone, then the question of invoking Order VII Rule 11 CPC, does not arise as it is not permissible to reject the plaint qua any particular portion of the plaint including against some of the defendants. However, I have already dealt with the aspect of rejection of the plaint in part and making it clear that it is not permissible to invoke Order VII Rule 11 CPC. However, since there is a clear abuse of process and total lack of cause of action available to the plaintiff and in order to do complete justice to the parties, at the same time protecting the interest of the plaintiff as well, I have only proceeded to see whether the plaint



can be struck off in part under Order VI Rule 16 CPC.

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17. In *G.Nagaraj's* case (referred herein supra), the Hon'ble Supreme Court held that the Application for rejection of the plaint, the defence of the defendant should not be looked into and the Application would have to be decided only based on the plaint averments. As already stated, I am not deciding this revision or the maintainability of the suit under Order VII Rule 11 CPC. Therefore, this decision is of no avail.

18. The learned counsel also relied on my decision in *V.Seema's* case (referred herein supra), where I dismissed an application seeking striking off the plaint. However, on facts, I found that the suit was one for declaration as well as permanent injunction and in such view of the matter, I held that the plaint cannot be dissected and a portion alone be struck off or rejected. The facts of the said case are also on a different footing and hence the same will not apply to the facts of the present case.

19. As already discussed, the revision petitioners are purchasers of individual/independent plots in an approved layout and the plaintiff claiming under a different lineage altogether, has now sought for declaring various documents executed in favour of the revision



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petitioners and other defendants and also by them subsequently, by way of mortgage, powers of attorney etc., as null and void. Allowing the plaint to proceed with item V of Schedule A property would clearly amount to serious miscarriage of justice. 100s of bonafide purchasers have acquired their respective plots for value, pursuant to an approval granted by the Competent Authority, to the layout comprised in S.No.165. The plaintiff has not been able to substantiate as to how the plaintiff is entitled to share in the lands measuring 2.12 acres comprised in S.No.165. Therefore, the entire exercise of forcing the revision petitioners and other bonafide purchasers would certainly result in irreparable loss and hardship to them. When the plaint itself does not disclose a cause of action for the plaintiff to such relief of partition in respect of this item of property, the plaint is therefore clearly an abuse of process, insofar as item V of Schedule A is concerned and consequently, invoking the power under Order VI Rule 16 CPC, though an application was only taken out under Order VII Rule 11 CPC, I am inclined to strike off the portions of the plaint pertaining to item V of Schedule A and consequently, the revision petitioners and defendants 26, 27, 31 to 33, 36, 37, 46 to 48, 51, 53 to 55, 57, 59, 62, 64, 71, 73, 75, 77, 79, 80, 86 to 90, 95, 99, 104 to 107, 113, 115 to 124, 127, 130 to 132, 134, 135, 137 to 139, 140, 141, 145 to 148, 150, 151, 155 to 162 would be totally unnecessary parties to



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the lis. In fact, this way the scope of the suit itself would rightly get narrow down to the actual cause of action pleaded by the plaintiff with regard to the other items of the property and the family members of the plaintiff who alone would be rightly defending the suit for partition.

20. In fine, this Civil Revision Petition is allowed and the plaint is struck off insofar as item V of the schedule A of the plaint and all related pleadings including the reliefs and also pertaining the defendants who are revision petitioners as well as defendants 26, 27, 31 to 33, 36, 37, 46 to 48, 51, 53 to 55, 57, 59, 62, 64, 71, 73, 75, 77, 79, 80, 86 to 90, 95, 99, 104 to 107, 113, 115 to 124, 127, 130 to 132, 134, 135, 137 to 139, 140, 141, 145 to 148, 150, 151, 155 to 162. The plaintiff is entitled to proceed with the suit as against the remaining defendants in a manner known to law. No costs. Consequently, connected Miscellaneous Petition is also closed.

12.09.2025

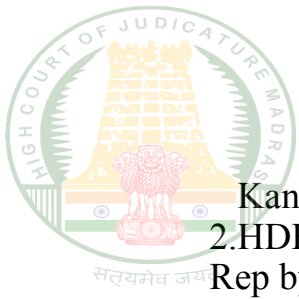
rkp

Index : Yes / No

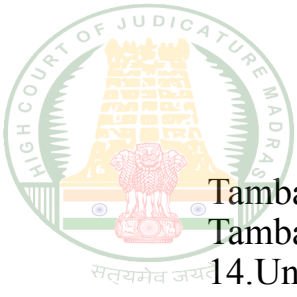
Internet : Yes / No

To:

1. The Judge,
Mahila Court, Chengalpattu,



- Kanchipuram District.
- 2.HDB Financial Services Ltd.
Rep by its Manager,
No 132, SS Mall, 2 Floor, Kodambakkam,
Chennai-600 034.
- 3.ICICI Bank Ltd.
Rep by its Manager,
No 195/104, 1 Floor,
Arcot Road, Vadapalani, Chennai-600 026.
- 4.M/s. Gnanaguru Developers Pvt. Ltd.
Rep by its Director A Sridevi
office at Z Block, 1111, 3-B.
13th Street, Ground Floor
Anna Nagar, Chennai-600 040.
- 5.The Commissioner
Tambaram Municipality Corporation,
Tambaram ,Chennai – 600 045.
- 6.The Pentecostal Mission
Rep by Pastor in charge
Roja Street, Srinivasa Nagar post,
Irumbuliyur,Chennai-600 063.
- 7.Axis Bank Limited
Rep by its Manager
No 17 and 19.
Duraismy Reddy Street
Tambaram, Chennai-600 045
- 8.M/s. LIC Housing Finance Limited
No 30/1A Abdul Razack 1- Street,
Saidapet, Chennai-600015
T.Nagar BranchNo. 108/80, Ragavaiah Road,
T.Nagar, Chennai-600 017.
- 9.State Bank of India
Rep by its Manager
No 388, Velachery Main Road,
Selaiyur, Chennai-600 073.
- 10.Housing Development Finance Corporation Ltd., (HDFC)
No.760, 2 Floor, ITC Center,
Anna Salai, Chennai-600 002.
- 11.State Bank of India
Retail Assets Central Processing Centre
(RACPC) Ayyappanthangal, Chennai-600 056.
- 12.Can Fin Homes Ltd
Perungudi, Chennai-600 096.
- 13.Vijaya Bank



Tambaram Branch
Tambaram, Chennai.
14.Union Bank of India
Kancheepuram Branch
Kancheepuram District.

15.IDBI Bank Ltd
No 24/36, Kalpalathika Towers,
Dr Ambedkar Salai,
Kodambakkam, Chennai-600 024.
16.State Bank of Travancore
Shenoy Nagar Branch Chennai.
150.Allahabad Bank
Tambaram Branch
West Tambaram, Chennai-600 045.
17.State Bank of India
Retail Assets Central Processing Centre (RACPC)
OMR, Rajiv Gandhi Salai, Chennai-600 096.
18.Indian Bank
No 254-260, Avvai Shanmugam Salai.
Royapettah, Chennai-600 014.
19.Bajaj Housing Finance Limited
804, 805 and 806, Delta Wing,
8th floor, Raheja Towers, No.177, Anna Salai,
Chennai 600 002.
20.Pentecostal Mission Church
The Pentecostal Mission,
Rep by Pastor in charge,
Roja Street, Srinivasa Nagar post,
Irumbuliyur, Chennai 600 063.



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CRP. No.5016 of 2023



P.B.BALAJI, J.,

rkp

Pre-delivery order in
CRP. No.5016 of 2023 and
and CMP. No.29235 of 2023

12.09.2025