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CRP No.5413 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No.5413 of 2025 and
CMP No.27236 of 2025**

- 1 . N.Murugan
- 2 . M.Kannappan
- 3 . M.Venkateswaran
- 4 . J.Jalendran
- 5 . S.Syed Shahajada
- 6 . S.Rajeswari
- 7 . S.Santhi
- 8 . A.Venkatesan
- 9 . M.Deivanai
- 10 . M.Senthil
- 11 . R.Vijayasankar
- 12 . S.R.Geetha
- 13 . A.L.Saravanaraman
- 14 . S.Prabakaran
- 15 . R.Sumathi
- 16 . T.Parthasarathi
- 17 . K.Rasu
- 18 . S.K.Subramanian
- 19 . R.Premraj
- 20 . V.Navaneethakrishnan
- 21 . R.Gunasekaran



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22 . Jayanthi

23 . R.Thangavel

24 . Lavanya

25 . N.Balaji

26 . R.Alamelu

27 . V.Govardhanan

28 . K.Balasubramanian

29 . R.Govindarajan

30 . V.rajasundaram

... Petitioner(s)

Vs.

1 . Jayanthi

2 . Balsubramanian

3 . Arumugam

4 . Lakshmi

5 . Rajamani

6 . Radha

7 . Rukmani

8 . Amutha

9 . V.Subburam

10 . M.Vasanthi

11 . B.Venkatesan

12 . A.L.Appajiraman

13 . V.Sachithanandham

14 . V.Vijaya Ammal

15 . V.Shailendranath

... Respondent(s)



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PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 17.07.2025 passed in I.A.No.111 of 2025 in O.S.No.316 of 2024 on the file of the I Additional District and Sessions Judge, Cuddalore.

For Petitioner(s) : Mr.S.Mukunth, Senior Counsel
for Mr.A.Tamilarasan

ORDER

This Civil Revision Petition is filed challenging the order passed by the Trial Court, dismissing the application to reject the plaint, filed by the petitioners/defendants 1 to 6, 8 to 11, 15, 19 to 29, 32, 37, 39 to 51 and 53.

2. The respondents /plaintiffs filed a suit for declaration, declaring that the sale deeds executed in favour of the defendants 1 to 54 were null and void and for consequential mandatory injunction, directing the defendants 1 to 54 to demolish the building constructed by them in the suit property. They also sought declaration, declaring that the assessment of property tax to the houses constructed by the defendants 1 to 54 in the suit property was null and void. Further direction was also sought by the plaintiffs against the 55th defendant / Cuddalore City Corporation to cancel the assessment of property tax made in the name of the defendants 1 to 54 and other consequential reliefs.



3. It is the case of the respondents/plaintiffs that the property described as 'B' schedule in the plaint, originally belonged to one Rajamani Ammal and she executed a Will on 17.10.1929, granting life time estate in favour of her foster son Srinivasa Chettiar and absolute estate in favour of the issues of Srinivasa Chettiar. The plaintiffs claiming that they are all legal heirs of the said Srinivasa Chettiar, laid the suit. It was further case of the plaintiffs that one K.S.Selvam and Annamalai created concocted power deed, as if the plaintiffs executed the same, and based on the said document, they sold the property to the defendants.

4. Earlier, the defendants filed a revision petition in CRP No.4366 of 2024 seeking direction to strike off the plaint on the ground that the plaint did not show any cause of action. This court found that there was a cause of action, as per the averment found in the plaint and dismissed the civil revision petition on 28.10.2024. However, liberty was granted to the petitioners/defendants to file an application under Order VI Rule 16 of CPC and plead before the Trial Court that the suit is an abuse of process of court. Thereafter, the instant application was filed by the petitioners seeking rejection of plaint under Order VII Rule 11 of CPC. In this petition, again, it was contended by the petitioners/defendants that the plaintiffs failed to produce any document to prove that Rajamani Ammal had right over the property on the date of execution of Will dated 17.10.1929 and that no property



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existed in the name of Rajamani Ammal. Therefore, according to the petitioners, the plaintiffs had no cause of action to main the suit prayer. It is also stated by the petitioners that the B -schedule property was a self acquired property of Srinivasa Chettiar and the same was sold by him through various registered documents. The plaintiffs, having knowledge about the same, filed the present litigation by suppressing the materials. Therefore, the petitioners claimed that the plaint shall be struck off from the file. The trial Court, relying on the dismissal of the earlier revision petition by this court, dismissed the instant application filed by the petitioners. Aggrieved by the same, the petitioners have come before this court.

5. The learned Senior Counsel appearing for the petitioners would submit that the plaintiffs failed to produce any title document in the name of Rajamani Ammal and hence, the plaintiffs have no cause of action to main the suit. Learned counsel further submitted that various registered transactions from the year 1981 had been suppressed by the plaintiffs and therefore, the present litigation is nothing but an abuse of process of court.

6. A perusal of the plaint would indicate that, in paragraph-3 of the plaint, it was clearly stated by the respondents/plaintiffs that the suit B schedule property was owned by one Rajamani Ammal. It is settled law that evidence need not be pleaded.



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Therefore, mere failure to mention the documents in support of title of Rajamaniammal, would not be a ground to strike off the plaint at this stage. Whether Rajamaniammal had title to execute the Will or not is a question to be decided at the time of final disposal, based on the evidence to be let in by the parties. In fact, pointing out the necessary averments of the plaint and plaint documents, this court has given a categorical findings in the earlier CRP No. 4366 of 2024 that the plaintiff had cause of action to main the suit. The said finding had attained finality. Therefore, the petitioners are not entitled to contend that there was no cause of action for the suit, after suffering an order at the hands of this court.

7. It was also contended by the learned Senior Counsel for the petitioners that Srinivasa Chettiyar purchased the property under the registered documents and therefore, it was his self acquired property, however, the said fact has been suppressed by the plaintiffs. While considering the petition to reject the plaint, the court is only guided by the averment contained in the plaint and plaint documents. The documents relied on by the defendants cannot be taken into consideration at this stage. Therefore, the contention raised by the defendants that the suit property was self acquired property of Srinivasa Chettiar is a matter for evidence. As far as the knowledge of various registered documents in favour of the defendants is concerned, whether the plaintiffs had knowledge about all these documents or not is also matter



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for evidence. In such circumstances, the Trial Court rightly appreciated the law and the facts involved in the case in a proper manner and dismissed the petition to reject the plaint. I do not find any error in the impugned order to interfere with the same.

8. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

9. The present suit has been filed against 54 persons. According to the petitioners, these 54 persons purchased the properties nearly 4 decades ago and put up construction. Taking into consideration that pendency of the litigation will create anxiety in the minds of the defendants, this court is inclined to direct the learned I Additional District and Sessions Judge, Cuddalore to dispose of the suit in O.S.No.316 of 2024 as expeditiously as possible.

14.11.2025

MST

To

The I Additional District and Sessions Judge,
Cuddalore .

S.SOUNTHAR, J.

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