



CRP.No.5124 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.5124 of 2025 and

CMP.No.25838 of 2025

1.P.K.Chandrasekar

2. S.Rajesh

... Petitioners

Vs.

Mr.E.Shankar

...Respondent

PRAYER: Civil Revision Petition filed Article 227 of Constitution of India, praying, to set aside the fair and decreetal order dated 04.08.2025 made in IA No.4 of 2025 in OS No.5021 of 2020 on the file of the II Assistant City Civil Court, Chennai and allow the said CRP.

For Petitioner

: Ms.Divya Preathika.R
for Mr.R.Bharath Kumar

ORDER

Aggrieved by the order passed by the Trial Court dismissing the application filed by the petitioners/ defendants 8 and 9 seeking rejection of the plaint, they have come before this Court.



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2. The respondent herein filed a suit seeking following reliefs:-

(a) For a declaration, declaring the sale deed dated 29.05.2008, executed by the 5th and 6th defendant in favour of the plaintiff in respect of the suit schedule property is a valid document and binding on the 5th and 6th defendant;

(b) For a declaration, declaring that the Un-registered sale deed dated 04.11.2011 executed by the 1st, 3rd to 6th defendants jointly in favour of the 8th defendant, is illegal, void, non-existent and not binding on the Plaintiff in so far as the Plaintiff's right over the suit property is concerned;

(c) For a declaration, declaring that the unregistered sale deed dated 02.05.2018 executed by the 8th defendant in favour of the 9th defendant, thereby conveying the property obtained through unregistered sale deed dated 04.11.2011 executed by 1st, 3rd to 6th defendants is illegal, void, non-existent and not binding on the plaintiff in so far as the Plaintiff's right over the suit property is concerned;

(d) grant permanent injunction restraining the defendants 8 and 9 or his men, agents, servants, representatives or any one claiming under them, from in any manner interfering with the peaceful possession and enjoyment of the suit schedule property by the plaintiff without any due process of law.

3. After filing of the written statement, the defendants 8 and 9 filed



instant application seeking rejection of the plaint on the ground that the sale deed relied on by the petitioner was unstamped and unregistered one and therefore, the prayer regarding the declaration cannot be granted by the court.

4. It is settled that even if one or more of the prayers sought for by the plaintiff are unsustainable in the light of the averments found in the plaint, the entire plaint cannot be rejected in its entirety if the plaintiff is able to sustain one prayer. In the case on hand, the plaintiff, apart from prayer for declaration in respect of validity of the sale deed executed in his favour and in favour of the contesting defendants, he also sought for prayer for injunction based on possession. If possession is given to the plaintiff based on unregistered document, the same can be very well used for collateral purpose.

5. A reading of the impugned order would suggest that the document in question was already marked as Ex.A4. The admissibility of the document and the purpose for which it can be used can very well be agitated by the petitioner at the time of final disposal. Therefore, the said question is left open and the impugned order passed by the trial court dismissing the application filed by the petitioners seeking rejection of the plaint on the ground that entire plaint cannot be rejected requires no interference. Accordingly, the Civil Revision



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Petition stands dismissed. It is open to the petitioners to raise all objections with regard to the admissibility of the document and maintainability of the prayer at the time of final disposal. Consequently, the connected miscellaneous petition is closed. No costs.

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Index : Yes / No
Internet : Yes / No
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To
The II Assistant City Civil Court, Chennai

S.SOUNTHAR, J.

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