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CRP No.5222 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-10-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 5222 of 2025 and
CMP No.26296 of 2025**

1. Vasanth Hegde

S/o. Shankar Hegde, No.9, 4th Street,
Egankipuram, Ayanavaram, Chennai
600 023.

Petitioner(s)

Vs

1. G.Uma Bhavani

W/o. G. Balaji, Old No.189, New
No.404, Suryanaraya Chetty Street,
Royapuram, Chennai 600 013.

2.A. Sekar

S/o. M. Annavel, D.No.1/187, Bajanai
Koil Street, Medavakkam Village,
Tambaram Taluk, Chennai 601 302.

3.S. Maheswari

W/o. A. Sekar, D.No.1/187, Bajanai
Koil Street, Medavakkam Village,
Tambaram Taluk, Chennai 601 302.

Respondent(s)



PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to order striking of the plaint in O.S.No.416 of 2022 now pending on the file of the Learned III Additional District and Sessions Judge, Poonamallee, Tiruvallur District.

For Petitioner(s): Mr.T.S.Rajamohan

ORDER

This civil revision petition is filed to strike off the plaint in O.S.No.416 of 2022 filed by the first respondent.

2. The first respondent filed the above said suit against the petitioner and two others and the petitioner has been arrayed as 3rd defendant. In the said suit, the first respondent sought declaration of title and consequential relief of recovery of possession against the defendants 1 and 2. He also sought declaration, declaring that the sale deeds dated 15.05.1965, 29.06.1981 and 12.06.1982 were null and void and not binding on him and for injunction, restraining the defendants from alienating the properties to the third parties.

3. The learned counsel for the petitioner would submit that the plaintiff has not sought any relief against the petitioner/3rd defendant. He would further submit that though the plaintiff referred about the sale deed in favour of the 3rd defendant in the body of the plaint, in the prayer portion, he has not challenged the same. In such circumstances, according to him, there is no cause of action



against the petitioner to file the suit and hence, the plaint shall be struck off.

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4. If the petitioner is satisfied that no substantial relief has been prayed against him in the prayer portion and hence, he is not necessary party to the suit, he can very well file an application before the Trial Court, seeking direction to strike off his name from the array of parties. As per the law laid down by the Hon'ble Apex Court in the case of ***Virudhunagar Nadargal Dharma Paripalana Shabha Vs Tuticorin Educational Society reported in MANU/SC/1365/2019***, when the petitioner got an effective remedy before the Trial Court, this Court is not inclined to exercise its supervisory jurisdiction under Article 227 of Constitution of India.

5. Accordingly, this civil revision petition is dismissed with liberty to move appropriate application before trial court. If any such application is filed by the petitioner, the trial court shall dispose of the same, on it's own merits, without being influenced in any way, by observations made in this revision petition. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

31-10-2025

Internet: yes

Index: Yes/No

Neutral citation: Yes/No

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To

The III Additional District and Sessions Judge,
Poonamallee.



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S.SOUNTHAR J.

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