



CRP.No.5275 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.5275 of 2025 and
CMP.No.26501 of 2025

1.Mrs.Saraswathi
2. Mrs.Lakshmi

... Petitioners

Vs.

1. Mrs.Kavithamani
2. Mr.Dineshbabu
3. Mrs.Kavitha
4. The Tahsildar
Sulur Tk., Sulur, Coimbatore.

5.The Village Administrative Officer
Neelambur Village, Coimbatore.

6.The Executive Officer
Neelambur Panchayat, Neelambur, Coimbatore.

7.The Sub Registrar
Office of the Sub Registrar, Karumathampatti, Coimbatore.

8.The District Registrar (South)
Collector office campus, State Bank Road, Coimbatore - 18.

9. The District Collector
Coimbatore - 641 108.

...Respondents

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PRAYER : Civil Revision Petition filed Article 227 of Constitution of India, praying to strike off the plaint in OS.No.1172 of 2025, pending on the file of the 1st Additional District Judge, at Coimbatore.

For Petitioners : Mr.M.S.Seshadri

For Respondents : Ms.Aswini Devi.K for R4 to R9
Additional Government Pleader

ORDER

The Civil Revision Petition is filed seeking to strike off the plaint filed by the 1st respondent/plaintiff seeking declaration of her title and injunction.

2. The learned counsel for the petitioners submitted that they filed a suit for partition in OS.No.312 of 2019 on the file of 1st Additional District Court, Coimbatore against the respondents 2 and 3. Subsequently, the 1st respondent, who purchased the portion of the property from Dineshbabu/2nd respondent herein, was also included in the suit. The petitioners also sought for a prayer to declare the sale deed in favour of the 1st Respondent was null and void. The trial in the suit is already commenced and P.W.1 is in box. In such circumstances, the 1st respondent filed a separate suit in respect of the property purchased by her from 2nd respondent seeking declaration of her title



and injunction.

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3. The learned counsel for the petitioners submitted that when the title of the 1st respondent is very much under dispute in a suit for partition filed by the petitioners, the 1st respondent ought not have filed the present suit. Hence, the plaint in the present suit shall be struck off from the file.

4. Admittedly, the suit for partition and other reliefs filed by the petitioners are still pending and no decree has been passed in the suit. In such circumstances, there is no bar for the 1st respondent to file a separate suit seeking declaration, injunction and incidental relief.

5. If the petitioners feel the issue involved in both the suits are one and the same, the provisions of Section 10 of CPC would get attracted, it is always open to them to file appropriate application before the trial court seeking stay of the subsequent suit on the ground of doctrine of *res sub judice*. I do not find anything to strike off the plaint filed by the first respondent. Accordingly, the Civil Revision Petition stands dismissed with liberty to the petitioners to



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move appropriate application for stay of the suit, if so advised. No costs.

Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes / No

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To

1. The 1st Additional District Judge, Coimbatore.
2. The Tahsildar
Sulur Tk., Sulur, Coimbatore.
3. The Village Administrative Officer
Neelambur Village, Coimbatore.
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S.SOUNTHAR, J.

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