



C.R.P.Nos.5698 and 5701 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2025

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.Nos.5698 and 5701 of 2025
and C.M.P.Nos.28422 and 28428 of 2025

C.R.P.No.5698 of 2025:

S.Sathyavathi

... Petitioner

vs.

A.Murugarayar

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the Fair and Decreeal Order dated 25.09.2025 and passed in I.A.No.3 of 2025 in O.S.No.5070 of 2024 on the file of XXIV Judge of City Civil Court, Chennai.

For Petitioner : Mr.P.Ravi Shankar Rao

For Respondent : Mr.V.Antony Elangovan Raj

C.R.P.No.5701 of 2025:

S.Sathyavathi

... Petitioner

vs.

1.Shanthi



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2. Shanmugasundaram

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the Fair and Decreeal Order dated 25.09.2025 and passed in I.A.No.3 of 2025 in O.S.No.5071 of 2024 on the file of XXIV Judge of City Civil Court, Chennai.

For Petitioner : Mr.P.Ravi Shankar Rao

For Respondents : Mr.V.Antony Elangovan Raj

COMMON ORDER

These Civil Revision Petitions are filed challenging the order passed by the learned XXIV Judge, City Civil Court, Chennai, dismissing the application filed by the petitioner/defendant seeking rejection of the plaints, by her order dated 25.09.2025 in I.A.No.3 of 2025 in O.S.Nos.5070 and 5071 of 2024.

2. The respondents herein filed suits in O.S.Nos.5070 and 5071 of 2024 for permanent injunction restraining the petitioner/defendant from interfering with their peaceful possession and enjoyment of the suit properties, which are adjacent lands to each other. It is the case of the



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respondents that there was an attempt by the petitioner and her men to dispossess the respondent from the suit properties on 31.07.2024 and hence, they were constrained to file the above suits for permanent injunction.

3. The petitioner herein filed the instant application seeking rejection of the plaints on the ground that the respondents/plaintiffs in the plaints averment claimed title over the suit properties and also claimed adverse possession and therefore, both the pleas cannot go together. It was further stated by the petitioner in the affidavit filed in support of the petition to reject the plaint that the petitioner filed a writ petition before this Court in W.P.No.7174 of 2021 against the Arunachalam Enterprises/6th respondent therein owned by 1st respondent in C.R.P.No.5701 of 2025 seeking demolition of the unauthorised construction found in the suit properties and in the writ petition, the Official Respondents filed status report regarding action taken by them against the Arunachalam Enterprises. Recording the status report, the writ petition was disposed of by directing the Official Respondents to pursue the action in accordance with law.

4. According to the learned counsel for the petitioner, the present suits filed by the respondents are an attempt to evade the order passed by



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this Court in the above writ petition. Therefore, it shall be treated as abuse of process of the Court and the plaint shall be rejected.

5. A perusal of the averment found in the plaint would indicate that there was an attempt by the petitioner and her men on 31.07.2024 to interfere with the alleged possession of the respondents/plaintiffs over the suit properties, whether the allegation made in the plaints regarding alleged disturbance by the petitioner is correct or not, is a matter for evidence and the same cannot be decided at this stage.

6. The suits are filed by the respondents are only for permanent injunction. It is not a suit for declaration of title. Therefore, the submission made by the learned counsel appearing for the petitioner that the plea of title and adverse possession cannot go together will not affect the present suit as there was no prayer for title. The suits were filed only based on the alleged possession of suit properties and inconsistent plea regarding title cannot be a ground for rejection of the plaint. However, it is open to the petitioner to



advance arguments at the time of final disposal.

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7. As far as the order passed by this Court in W.P.No.7174 of 2021 is concerned, the said writ petition was disposed of after recording the status report filed by the Official Respondents by directing them to take action against the unauthorised construction found in the suit properties in accordance with law.

8. The present suits have been filed by the respondents against the petitioner in his individual capacity and the respondent has not claimed any relief against the Official Respondents. Therefore, even assuming a decree is passed in the suits will not affect the official duties of the Official Respondents in the writ petition, as they are not made as a party in the suits. Therefore, the submission made by the learned counsel appearing for the petitioner that the present suits have been filed just to evade the order passed by this Court in the above writ petition is not acceptable. Notwithstanding filing of the present suits by the respondents, it is always open to the Official Respondents to give effect to the direction issued by this Court in the earlier writ petition in W.P.No.7174 of 2021.



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9. In view of the discussion made earlier, this Court is not inclined to accept both the submissions made by the learned counsel appearing for the petitioner. The Trial Court rightly appreciated the legal issues involved in the matter and dismissed the application for rejection of the plaints. I do not find any material irregularity or illegality in the order passed by the XXIV Judge of City Civil Court, Chennai in I.A.No.3 of 2025 in O.S.Nos.5070 and 5071 of 2024, dated 25.09.2025.

10. Accordingly, the Civil Revision Petitions stand dismissed. It is made clear the suits filed by the respondents/plaintiffs shall be decided by the Trial Court on its own merits and in accordance with law, without being influenced by any observation made in these civil revision petitions. No costs. Consequently, the connected civil miscellaneous petitions are closed.

17.11.2025

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

WEB COM The XXIV Judge,
City Civil Court, Chennai.



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S.SOUNTHAR, J.

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