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C.R.P.No.5873 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2025

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.5873 of 2025
and CMP.No.29025 of 2025

A.Rangasamy

... Petitioner

vs.

1.P.S.Nandhakumar
2.S.Ravichandran
3.R.Muthu
4.R.Balasubramanian
5.Poongkodi
6.Muthukumar
7.Kanimozhi
8.Rajendran

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order dated 26.09.2025 passed in I.A.No.2 of 2025 in O.S.No.93 of 2024 on the file of the Subordinate Judge, Sathyamangalam.

For Petitioner : Mr.C.Prakasam

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court, dismissing the application filed by the petitioner/first defendant seeking rejection of the plaint.

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2. The respondents 1 to 4 filed a suit for declaration to declare the settlement deed dated 21.09.2022 executed by the petitioner/first defendant in the suit in favour of 3rd defendant was null and void and not binding on them and for consequential permanent injunction. In the said suit, the petitioner herein filed the instant application seeking rejection of plaint. It is the case of the petitioner that he has got right over the suit cart track as per the recitals found in the partition deed dated 06.07.1999 and the gift settlement deed was executed on 21.09.2022 in favour of 3rd defendant settling her certain immovable properties. In the very same settlement deed, the right of user available to the petitioner/first defendant was also settled in favour of 3rd defendant. Since the suit property is a common cart track, the petitioner, the 3rd defendant and plaintiffs are entitled to have right of user over the said property, the instant application has been filed by the first respondent seeking rejection of the plaint. The said application was dismissed by the trial Court. Aggrieved by the same, the petitioner has come before this Court.

3. The learned counsel appearing for the petitioner would submit that the trial Court without appreciating the averment found in the

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affidavit filed in support of this petition, erroneously dismissed the application and therefore, the same is liable to be set aside.

4. A perusal of the typed set of papers would indicate that based on the settlement deed executed by the petitioner/first defendant, the petitioner's daughter/3rd defendant in the suit instituted a separate suit for declaration of title and injunction against the plaintiff in O.S.No.93 of 2024 and the same is pending. Thereafter, the instant suit has been filed by the plaintiff, challenging the settlement deed executed by the petitioner in favour of 3rd defendant/ 7th respondent. The fact remains that there is a cloud over the settlement deed executed by the petitioner and hence the settlee instituted a suit against the plaintiffs for declaration of title and permanent injunction. The petitioner had already executed a settlement deed in favour of his daughter and consequently had parted with his right over the suit property. In such circumstances, the application filed by him for rejection of the plaint is not at all maintainable. However, the settlee under the said document already instituted the suit in O.S.No.93 of 2024 and the same is pending. Therefore, the issue raised in the application with regard to the right of the petitioner over the subject property and his entitlement to settle the property in favour of respondent/3rd defendant are to be decided on



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merits. Further, there is nothing on record to suggest that plaintiff is liable to be rejected based on averments found therein.

5. In such circumstances, I do not find any error in the impugned order passed by the trial Court, accordingly, this Civil Revision Petition is dismissed.

6. It is open to the petitioner to file appropriate memo before the trial Court, seeking tagging of the present suit with O.S.No.93 of 2024 filed by the 3rd defendant. Consequently, connected miscellaneous petition is closed. No costs.

24.11.2025

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

The Subordinate Judge,
Sathyamangalam.



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