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CRP.No.5973 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.11.2025

CORAM

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

CRP.No.5973 of 2025
and CMP.No.29521 of 2025

1.Kaviarasan
2.Anjalai

... Petitioners / Defendants 1 & 2

Vs

1.Vinodhayal
2.Vimala
3.Kalaiarasan

... Respondents / Plaintiffs 1 & 2,
3rd Defendant

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and decreetal order dated 14.08.2025 made in I.A.No.07 of 2025 in O.S.No.75 of 2020 on the file of Special Court No.1 (LAOP), Jayankondam by allowing the civil revision petition.

For Petitioners : Mr.D.Lakshmipathy

ORDER

This civil revision is filed challenging the order passed by the Special Court No.1(LAOP), Jayankondam, in dismissing the



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application in I.A.No.7 of 2025 in O.S.No.75 of 2020 filed by the petitioners / defendants 1 & 2 seeking to delete certain portions of the plaint under Order VI Rule 16 of Civil Procedure Code.

2. The respondents 1 and 2 herein have filed a suit seeking declaration of title and for permanent injunction. The respondents / plaintiffs also sought for a declaration that the settlement deed dated 16.03.2016 and the mortgage deed dated 15.09.2017 are not binding on them. The petitioners / defendants filed the written statement and resisted the suit on various grounds. Now the defendants have filed the instant application under Order VI Rule 16 of CPC, seeking to delete paragraph Nos.4 and 5 of the plaint and also prayer 1 to 3 in the plaint. The said application was dismissed by the trial Court. Aggrieved by the same, the petitioners have come before this Court.

3. The learned counsel appearing for the petitioners submits that the first plaintiff had already settled the suit properties in favour of one Baskar under settlement deed dated 09.12.2019. Therefore, the plaintiffs have no right to maintain the suit and hence, paragraph Nos.4 and 5 of the plaint and prayer 1 to 3 shall be struck off by invoking Order VI Rule 16 of CPC.



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4. The plaintiffs seek declaration of title and other reliefs in paragraph Nos.4 and 5 of the plaint. They trace their title over the suit property by relying upon the said settlement deed and this was dealt with in detail in paragraph Nos.4 and 5 of the plaint. Now the defendants have filed the present application under Order VI Rule 16 of CPC seeking to delete paragraphs No.4 & 5 of the plaint and also prayer 1 to 3. The provisions of Order VI Rule 16 of CPC reads as follows :

“16. Striking out pleadings. – *The Court may at any stage of the proceedings order to be struck out or amended any matter in any pleading -*

- (a) which may be unnecessary, scandalous, frivolous or vexatious, or*
- (b) which may tend to prejudice, embarrass or delay the fair trial of the suit, or*
- (c) which is otherwise an abuse of the process of the Court.*

5. A close perusal of the provision will make it clear that the pleadings of the parties can be struck off only under the conditions mentioned therein. The petitioners seek deletion of certain paragraphs in the plaint on the ground that the plaintiff had already settled the suit properties in favour of one Baskar. If that is so, the defendants can contest the suit on that ground, however, he cannot seek to strike off a



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portion of the pleadings of the plaintiffs, without convincing the Court that the ingredients of Order VI Rule 16 of CPC are satisfied. In the affidavit filed in support of this application, the petitioners/defendants have not stated anything regarding the need for deletion of the pleadings in the plaint, in the light of the conditions mentioned in the above said provision. Therefore, the trial Court has rightly dismissed the application and I do not find any error in the impugned order. If the impugned order allowed to stand it will not cause any irreparable loss to the petitioners as they are entitled to contest the suit on all points including points raised in this revision.

6. Accordingly, the civil revision petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.11.2025

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

1.The Special Court No.1 (LAOP)
Jayankondam.



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2.The Section Officer
VR Section
High Court, Madras.



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S.SOUNTHAR, J.

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