



C.R..P.(PD)(MD).No.173 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)No.173 of 2025

and

C.M.P(MD) No.1160 of 2025

Suhartha @ Furshia Nihal
Represented by her Power Agent,
K.Chandran
No.107, Muthananthapuram,
1st Street, Kovilpatti,
Thoothukudi District.

... Petitioner/
1st Defendant

Vs.

1. N.Ilayalwar
2. Ramkumarpandian @
Ramkumar Raja
3. The Firka Surveyor,
Taluk Office,
Ettaiyapuram.
4. The Tahsildar,
Taluk Office,
Ettaiyapuram.
5. The District Collector,
Collectorate,
Thoothukudi.

... 1st Respondent/Plaintiff

... Respondents 2 to 5/
Defendants 2 to 5



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PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to strike out the plaint in O.S.No.184 of 2023 on the file of the Sub Court, Kovilpatti, Thoothukudi District.

For Petitioner : Mr.N.Marivel

For R 3 to R5 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

The first defendant in O.S.No.184 of 2023, on the file of the Sub Court, Kovilpatti, has filed the present Civil Revision Petition to strike off the plaint in the above said suit.

2. A perusal of the plaint reveals that the said suit has been filed for the relief of declaration of title over the site and for a permanent injunction. The plaintiff has further prayed for a declaration that the registered partition Document No.1073 of 2022 as null and void.

3. According to the learned counsel appearing for the revision petitioner, the partition deed has been registered pursuant to a Lok Adalat



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Award, dated 12.03.2022, and therefore, the plaintiff has sought for setting aside of the Lok Adalat Award only. The learned counsel appearing for the revision petitioner had relied upon the judgment of the Hon'ble Supreme Court in **2017 (5) CTC 775 (Bharvagi Constructions and another Vs.Kothakapu Muthyam Reddy and others)** to contend that the Lok Adalat Award cannot be challenged before the Civil Court and it can be challenged only under Article 226 or 227 of Constitution of India. On the above said grounds, the present Civil Revision Petition has been filed seeking to strike off the plaint.

4. Apart from the prayer for declaration of partition deed as null and void, the plaintiff has further prayed for declaration of his title over the site as well as for permanent injunction. It is settled position of law, that a plaint cannot be partially rejected. Either the plaint has to be rejected as a whole or the parties has to be directed to undergo the trial. In the present case, merely because, the partition deed which is based upon the Lok Adalat Award is under challenge, the plaint cannot be rejected in entirety.



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5. In view of the above said deliberations, this Civil Revision Petition stands disposed of, with liberty to the revision petitioner to raise all the grounds before the trial Court. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

10.03.2025

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Sub Court, Kovilpatti,
Thoothukudi District.
2. The Firka Surveyor,
Taluk Office, Ettaiyapuram.
3. The Tahsildar,
Taluk Office, Ettaiyapuram.
4. The District Collector,
Collectorate, Thoothukudi.
5. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

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