



C.R.P.(PD)(MD).No.558 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

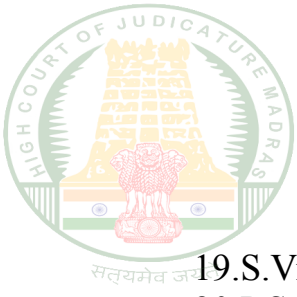
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- 1.K.Suseela
- 2.K.Ganesan
- 3.K.Shanthi
- 4.K.Karthikeyan
- 5.K.Nirmala
- 6.K.Panaiyadiyaan

....Petitioners/Plaintiffs

-VS-

- 1.R.Mani
- 2.M.Radha
- 3.Jeyaseelan
- 4.Nagarajan
- 5.A.Murugan
- 6.A.Savithiri
- 7.V.Murugan
- 8.M.Manikodi
- 9.Selvarani
- 10.Saravanaramkumar
- 11.M.Kanagarajan
- 12.M.Nagarajan
- 13.M.Seethalakshmi
- 14.D.Sakthivel
- 15.Natarajan
- 16.S.Manokaran
- 17.Rajalakshmi
- 18.Patturajan



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19.S.Vigneshwaran

20.P.Selvaraj

21.Thilagam Selvaraj Education Health and Charitable Trust
Represented by its Manager
Mr.Selvaraj

22.S.Thilagam

23.S.Prabhakaran

24.Thena Bank

Represented by its Branch Manager

No.3, College Road

Trichy-2

25.Deepa Kumari

26.Valli

27.Saravanan

28.Revathi

....Respondents /Defendants

PRAYER: The Civil Revision Petition has been filed under Article 227 of Constitution of India, to direct the Principal Subordinate Court, Tiruchirappalli to number the petition in unnumbered O.S.SR.No.2495 of 2024 and to take the petition on the file, by allowing this civil revision petition.

For Petitioners : M/s.S.Mahalakshmi

ORDER

The plaintiffs in an un-numbered OS.SR.No.2495 of 2024 on the file of the Principal Subordinate Court, Tiruchirappalli have filed the present civil revision petition seeking a direction for numbering the suit.



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2.A perusal of the plaint reveals that the suit has been filed for declaration that certain documents are null and void and not binding upon the plaintiffs. The trial Court has returned the said plaint without numbering the same raising six objections. As far as objection Nos.4, 5 and 6 are concerned, it is for the plaintiffs to rectify the same and present it before the Court.

3.As far as the objection Nos. 1 to 3 are concerned, it is the contention of the learned counsel for the plaintiffs that the suit schedule properties were jointly owned by one Muthuvudaiyar, Veluchamy and Kanthasamy. They have jointly executed a registered power of attorney in Document No.334 of 1994 in favour of the father of the plaintiffs and the first defendant.

4.As per the said power deed, the plaintiff's father and the first defendant were entitled to create a lay out and alienate the same in favour of the third party. He had further contended that the entire sale consideration was jointly paid by the father of the plaintiffs and the first defendant by way of sale receipt dated 03.10.1994. As per the said sale receipt, original owners have given up their rights over the suit schedule properties and both the power agents have become owner of the properties



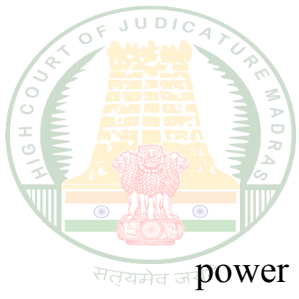
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and they have got every right to alienate the property. After the death of the K.Kannaiya, the other power agent namely the first defendant has proceeded to alienate the property without disbursing the share of property to the legal heirs of the deceased Kannaiya which has prompted the plaintiffs to file the present suit.

5.The learned counsel for the petitioners had further contended that in view of the above said facts, the plaintiffs' father was also a joint owner of the property and therefore, the plaintiffs' father has got right and title over the suit schedule properties. Consequently, a prayer has been sought for declaration of sale deed executed by the other power agent namely R.Mani to be declared as null and void.

6.The learned counsel for the petitioners had further submits that the first defendant had filed a suit in O.S.No.315 of 2019 as against the father of the plaintiffs for permanent injunction over the same suit schedule properties. The said suit was decreed by the trial Court. The plaintiffs father had filed A.S.No.57 of 2004 and the appeal was allowed on 25.11.2009 dismissing the suit filed by the first defendant. In such circumstances, the issue of limitation would not arise.

7.The learned counsel for the petitioners also relied upon a



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power deed dated 16.10.1995 which was executed by the owner namely Palaniyandi in favour of the plaintiffs and the first defendant which is registered as document No.1365 of 1995. According to the plaintiffs, the original owner has also executed a sale receipt after receiving the entire consideration from the plaintiffs' father and the first defendant.

8.A perusal of the documents annexed to the plaint reveal that these power deeds and sale receipts have not been enclosed along with the plaint which has prompted the trial Court to return the plaint without numbering.

9.In view of the above said facts, the trial Court is directed to number the suit on production of two power deeds and the sale receipt annexed to the power deed dated 03.10.1994, if it is otherwise in order.

10.With the above said observations, the civil revision petition stands allowed. No costs.

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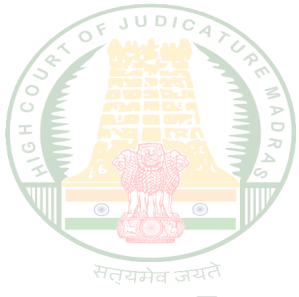
Index : Yes/No

Internet : Yes/No

NCC : Yes/No

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Note: Registry is directed to return the original plaint to the learned counsel for the petitioners after getting attested copies of the same.



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To

1.The Principal Subordinate Judge,
Tiruchirappalli

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J

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