



C.R.P.(NPD)(MD)No.928 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 25.03.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(NPD)(MD)No.928 of 2025

1.A.Ganesan
2.G.Kaleeswari

...Petitioners/Plaintiffs

Vs.

1.V.Kannan

2.Through its Present Manager,
Sivasithar Anamalai Sithar,
Annathana Madam,
Thaaniparai,
Maharajapuram,
Watrap Taluk,
Virudhunagar District.

3.Balagurusamy
4.Siva
5.Murugan
6.Ayyanar

...Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the rejection order in O.S.No. Unnumbered/2024 dated 07-02-2025 and direct the learned Principal Sub Judge, Srivilliputhur, to number the O.S.in filing No.936 of 2024 and allow the civil revision petition.

For Petitioners : Mr.J.Jeyakumaran

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ORDER

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The plaintiffs in unnumbered O.S.No.SR.No.936 of 2024, on the file of the Principal Sub Court, Srivilliputhur, have filed the present revision petition challenging the rejection of the plaint before being numbered on the ground that the present suit is bar under Order 2 Rule 2 of CP.C.

2.A perusal of the plaint averments reveal that the suit has been filed for the relief of declaration of title and permanent injunction as against the defendants 2 to 6. The plaintiffs have further prayed for the declaration that the sale deed executed by the first defendant in favour of the second defendant on 12.08.2003, is null and void.

3.The plaint has been rejected by the trial Court primarily relying upon the judgment and decree in O.S.No.349 of 2015, wherein the trial Court had granted a decree for permanent injunction in favour of the plaintiff's mother, which was reversed in A.S.No.35 of 2015.

4.According to the trial Court, when the plaintiffs have lost their suit for permanent injunction with regard to the same property, as against the



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defendants 2 to 6, and they have not prayed for declaration of title in the previous round of litigation, the present suit is barred under Order 2 Rule 2 of C.P.C. Challenging the same, the present revision petition has been filed.

5.The learned Counsel appearing for the revision petitioners, on instructions, has submitted that he would restrict his suit prayer with regard to the first defendant who was not a party to the previous proceedings. He would also delete the defendants 2 to 6 from the array of parties. He further submits that the prayer would be restricted to the declaration of title and permanent injunction as against the first defendant without challenging the sale deed executed by the first defendant in favour of the second defendant on 12.08.2003.

6.In view of the submissions made by the learned Counsel appearing for the revision petitioners, the order impugned in the revision petition is hereby set aside and the plaintiff is permitted to re-present the plaint after making necessary amendments as pointed out earlier. In case, if the plaint is presented in the amendment form, the trial Court is directed to number the same and proceed in accordance with law.



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7. With the above said observations, this Civil Revision Petition stands allowed. No costs.

25.03.2025

Internet: Yes/No

Index: Yes/No

RJR

To

The learned learned Principal Sub Judge,
Srivilliputhur.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

RJR

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