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C.R.P.(PD)(MD).No.1532 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1534 of 2025

and

C.M.P.(MD)No.7782 of 2025

K.Thulasingham

... Petitioner

Vs.

S.Sumathi

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and Ex-order dated 14.02.2025 in I.A.No.1 of 2024 in O.S.No.244 of 2022 on the file of the Sub Court, Theni.

For Petitioner : Mr.R.Saravanan

ORDER

This Civil Revision Petition is filed challenging the order dated 14.02.2025 made in I.A.No.1 of 2024 in O.S.No.244 of 2022 by Sub Court, Theni.



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2.Since no adverse order is going to be passed as against the respondent, notice to the respondent is dispensed with.

3.The petitioner and the respondent herein are brother and sister. The respondent filed a suit for bare injunction as against the petitioner in O.S.No. 244 of 2022 on the file of the Sub Court, Theni. The petitioner filed an interlocutory application in I.A.No.1 of 2024 under Order 7 Rule 11 seeking rejection of the plaint and the said application was dismissed. Challenging the same, the present Civil Revision Petition is filed.

4.The learned counsel for the petitioner would submit that the respondent filed the suit for permanent injunction as against the petitioner. However, pending suit, the respondent/plaintiff transferred the property in favour of her grand children. Once the respondent transferred the property in favour her grand children, she lost her standing to maintain the suit. On that ground, the petitioner filed a rejection of plaint application under order 7 Rule 11. However, the said application was rejected. He would further submit that for the very same property a suit in O.S.No.373 of 2021 is also pending before the same Court.



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5.The fact in the present case is not disputed. The respondent filed a suit for permanent injunction as against the petitioner. It is also equally undisputed that during the pendency of the suit, she transferred the suit property in favour of her grandchildren. Merely, settling the property in favour of her grandchildren does not automatically divest the right of the respondent to maintain the suit filed as against the petitioner and suit filed by the respondent will not be affected by the subsequent transfer made by the respondent. The trial Court after analyzing all these aspects had dismissed the application filed by the petitioner seeking rejection of plaint. Finding no reason to interfere with the order passed by the trial Court, this Civil Revision Petition is **dismissed**. However, the petitioner is granted with liberty to file an appropriate application before the trial Court seeking disposal of both the suits by way of simultaneous adjudication. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
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- To
- 1.The Sub Court, Theni.
 2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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