



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[PD](MD)No.1798 of 2025

and

C.M.P.(MD)No.9817 of 2025

1.Prabhu Nair @ Nair Prabha

2.Sharmila Nagendran Nair

...Petitioners

Vs.

Krishna Pillai

...Respondent

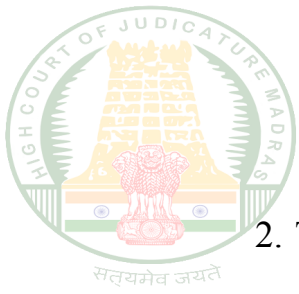
PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to strike off the suit in O.S.No.33 of 2024 on the file of the learned Principal District Munsif, Kuzhithurai, by allowing the above said Civil Revision Petition.

For Petitioners

: Mr.C.Ezhilarasu

ORDER

This Civil Revision Petition has been filed seeking an order to strike off the suit in O.S.No.33 of 2024 on the file of the learned Principal District Munsif, Kuzhithurai.



2. The respondent herein filed the said suit in O.S.No.33 of 2024 before the learned Principal District Munsif, Kuzhithurai, against the petitioners, seeking declaration that the document registered as Document No.1030 of 2015 dated 29.05.2015 on the file of the Arumanai Sub Registrar Office, relating to Survey No.193/1A2, is invalid, illegal and void ab initio; permanent injunction restraining the petitioners and their men from disturbing the respondent's peaceful possession and enjoyment of the suit property; and for costs of the suit.

3. The learned counsel appearing for the petitioners submitted that the respondent/plaintiff claimed ownership over the suit property and alleged that he is carrying on a lodge and bar business in the said property. The first petitioner is the wife of one Nagendran Nair and is arrayed as the 15th plaintiff in O.S.No.573 of 1952, pending before the learned District Munsif, Kuzhithurai. The second petitioner, daughter of the said Nagendran Nair, is the 16th plaintiff in the said suit. It is submitted that the suit schedule property originally belonged to one Chellappan Pillai, Valli, and Vellappan, who executed a sale deed in favour of the respondent's father, Kesava Pillai, vide Document No.1405 of 1972 registered before the Arumanai Sub Registrar Office, after the dismissal of the suit in respect of Survey No.629 of Mancode Village. The property originally measured 12 cents in Survey No.629/1 and was later correlated to Resurvey No.193/1A2 of Mancode Village. The petitioners



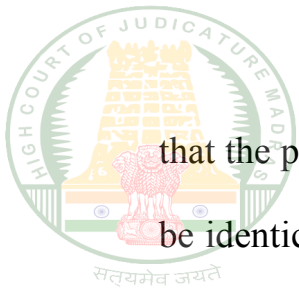
claim entitlement to the said property and allege that the respondent has now filed a suit over the same, which is not maintainable.

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4. It is further submitted that earlier, the said Valli and Chellappan Pillai filed a suit in O.S.No.590 of 1971 before the learned Additional District Munsif, Kuzhithurai, seeking declaration in respect of Survey No.629 measuring 1.10 acres, which was dismissed. An appeal was preferred in A.S.No. 109 of 1977 before the Sub Court, Kuzhithurai, which was partly allowed. Aggrieved, one Kochukrishna Panicker and others preferred Second Appeals in S.A.Nos.790 and 1693 of 1979 before this Court, which were allowed on 16.12.1983. The said Valli and others preferred Special Leave Petitions before the Hon'ble Supreme Court in S.L.P. (Civil) Nos.11452-53 of 1984, which were dismissed on 16.11.1988. Based on the said proceedings, the petitioners' father purchased the suit property, which is now claimed to be binding on the respondent.

5. Since no adverse orders are going to be passed against the respondent, notice to the respondent is dispensed with.

6. However, this Court finds that the petitioners have not filed copies of the decree and judgment in the original suit and the First Appeal to substantiate their claim that the present suit is barred or unsustainable. Moreover, it appears



that the property involved in the earlier litigation and in the present suit may not be identical, and the First Appeal in the earlier proceedings was partly allowed.

Therefore, these factual aspects require evidence and comparison, which cannot be undertaken in this Civil Revision Petition under Article 227 of the Constitution of India.

7. Accordingly, this Civil Revision Petition stands dismissed. However, it is made clear that the trial Court shall decide the matter independently on its merits, uninfluenced by any of the observations made in this petition. No costs. Consequently, the connected miscellaneous petition is closed.

30.06.2025

Internet:Yes/No

Index:Yes/No

TSG

To

1.The Principal District Munsif, Kuzhithurai.

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



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M.DHANDAPANI, J.

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