



C.R..P.(PD)(MD).No.1670 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1670 of 2025

1.M.Govindaraj
2.M.Muniselvam

... Petitioners

Vs.

1.Maripackiyam
2.Nandagopalakrishnan

3.The Sub Registrar,
Rameshwaram

... Respondents

PRAYER: Civil Revision Petition - filed under Article 227 of Constitution of India, to set aside the return order dated 23.05.2025 passed by the Vacation Court, Ramanathapuram (District Munsif Court, Rameshwaram) in unnumbered O.S.No..... of 2025 (Filing No.O.S.17/2025 TNRM0001602025) and to number the plaint within a time frame as fixed by this Court.

For Petitioner : Mr.T.Veerakumar



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ORDER

This Civil Revision Petition is filed challenging the order of return dated 23.05.2025 passed by the Vacation Court, Ramanathapuram (District Munsif Court, Rameshwaram) in unnumbered O.S.No..... of 2025 (Filing No.O.S.17/2025 TNRM0001602025) and to number the plaint within a time frame as fixed by this Court.

2.The petitioners are the brothers of the first defendant. The first defendant entered into a sale agreement with the plaintiffs and the second defendant for a sale consideration of Rs.10 lakhs in respect of the immovable property in Survey No.578/11B and 258/11B2 and on the date of execution of sale agreement, the first defendant received a sum of Rs.5 lakhs as advance amount. Further, on the same day, the first defendant handed over the possession of the property to the petitioners and the second defendant. Even thereafter, the first defendant has not come forward to execute the sale deed and he tried to interfere with the possession of the petitioners and the second respondent. Thereby, the petitioners filed a suit for permanent injunction as against the first defendant arraying the co-agreement holder as second



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defendant claiming that the petitioners are in possession of the property and it was obstructed by the first defendant. However, the trial Court returned the plaint on the ground that the petitioners have not possessed any valid title and an unregistered document cannot be claimed to be a title of the property and on that basis, a suit for injunction cannot be filed. Challenging the same the present Civil Revision Petition is filed.

3.The learned counsel for the petitioners submits that the petitioners are entitled to file a suit upon payment of necessary Court fee. The Registry have no right to question the title of the petitioner and it is for the Court to consider the plaint averments after numbering the plaint and decide the same on merits. If such power is given to Registry, then no suit will be entertained before the trial Court. Accordingly, he prayed for appropriate orders.

4.Mr.P.T.Thiraviyam, learned government Advocate takes notice for the third respondent. Since no adverse order is going to be passed as against the respondents 1 and 2, notice to the respondents 1 and 2 is dispensed with.



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5.The facts in the present case are not in dispute. Admittedly, the petitioners are the brothers of the first defendant. They averred that the first defendant derived title of the property by way of a Will dated 27.11.2009 executed by their father under document No.423 of 2009. On the basis of the Will, the first defendant entered into an unregistered sale agreement dated 30.10.2024 with the petitioners and the second respondent for selling the property to an extent of 17 cents in Survey No.578/11B and 578/11B2 for a sale consideration of Rs.10 lakhs. It is also claimed that on the date of agreement, the first defendant received a sum of Rs.5 lakhs as advance and agreed to execute the sale deed within a period of one month. The petitioners also claimed that the first defendant handed over the possession of the property immediately after receipt of the advance amount. However, the first defendant has not come forward to execute the sale deed and also tried to interfere with the possession of the property and thereby, the petitioners filed a suit for permanent injunction as against the respondents.

6.Even assuming that the first defendant, who is none other than the sister of the petitioners, entered into a sale agreement with the petitioners and



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the second respondent, this Court is unable to understand why the second respondent was added as a party along with the first defendant. Further, the petitioners claim title by way of an unregistered sale agreement. The unregistered agreement of sale will not effect transfer of any immovable property. This Court is also unable to understand that on the basis of an unregistered sale agreement, how the petitioners filed a suit for permanent injunction. If at all the sale agreement is not honoured by the first respondent, the petitioners' remedy is only to file a suit for specific performance not for injunction.

7. Though this Court has also clearly held about the scrutiny of the plaint at the preliminary and preregistration stage in the case of ***Selvaraj and others vs. Koodankulam Nuclear Power Plant and others [2021 (4) CTC 539]*** that the merits of the matter or correctness of the pleadings cannot be gone into, in the present case, since the petitioner claims title only on the basis of an unregistered document, the trial Court has rejected the plaint submitted by the petitioners on the ground that the suit for injunction without valid title that too on the basis of an unregistered document is not permissible. Hence, the order of the trial Court need not be interfered.



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8. Accordingly, this Civil Revision Petition is dismissed. No costs.

17.06.2025

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

1. The District Munsif Court, Rameshwaram.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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