

CRP(MD). No.1747 of 2022

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**Dated : 23/07/2025**

**CORAM**

**THE HONOURABLE MR. JUSTICE M.DHANDAPANI**

**CRP (MD). No.1747 of 2022  
and CMP(MD) No.7672 of 2022**

1. Nallappa Gounder (Died),
  2. N.Karuppathal,
  3. N.Karuppusamy,
  4. K.Saranya
- ... Petitioners

**Vs**

1. S. Vasuki
  2. T.Valarmathi
- ... Respondents

(2<sup>nd</sup> respondent is brought on record as LR of the deceased 1<sup>st</sup> petitioner vide order dated 18.03.2025 in CMP(MD) No.2832 of 2025)

**PRAYER :-** Civil Revision Petition filed under Article 227 of Constitution of India, against the fair and decreetal order dated 21.07.2022 passed in I.A.No.2 of 2021 in O.S.No.227 of 2021 on the file of the Additional District Court, Dindigul.

1/7



CRP(MD). No.1747 of 2022

WEB COPY

For Petitioners : Mr.V.Muthukamatchi

For Respondents : Mr.N.S.Karthikeyan for R1

### **ORDER**

The Civil Revision Petition is filed against the fair and decreetal order dated 21.07.2022 passed in I.A.No.2 of 2021 in O.S.No.227 of 2021 on the file of the Additional District Court, Dindigul.

2.The petitioners are the father, mother, brother and sister—in-law of the first respondent. The first petitioner father executed a settlement deed in favour of the first respondent. Subsequently when the first respondent has not taken care of the first petitioner as per the settlement deed, he has approached the Revenue Divisional Officer for cancelling the settlement deed. As such the settlement deed was cancelled and it was confirmed by the District Collector, Dindigul. In order to retrieve the property, the first respondent filed a suit in OS No.227/2021 claiming declaration and permanent injunction. Pending suit, the petitioners filed



CRP(MD). No.1747 of 2022

WEB COPY

an interlocutory application under Order VII Rule 11 of the Code of Civil Procedure to reject the plaint. The said application was dismissed. Aggrieved by the same, the petitioners are before this Court.

3. The learned counsel for the petitioner would submit that in the meantime, the petitioners filed an application under Section 27 of the Maintenance and Welfare of Parents Senior Citizens Act, 2007 before the Revenue Divisional Officer to cancel the settlement deed executed by the first petitioner in favour of the first respondent and the said complaint was allowed in favour of the first petitioner vide order dated 25.05.2022 against which, the first respondent preferred an appeal before the District Collector and the District Collector also confirmed the order of the Revenue Divisional Officer vide order dated 18.05.2023 against which, the first respondent preferred a writ petition before this Court in WP(MD) No.12665/2024 and the same is pending. When the very same issue, which is the subject matter of the civil suit is pending before this Court challenging the cancellation of the settlement deed, the same cannot be adjudicated before the trial Court and on the sole ground, the order dated



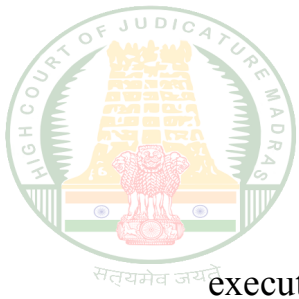
CRP(MD). No.1747 of 2022

21.07.2022 is challenged before this Court.  
WEB COPY

4. The learned counsel for the first respondent would submit that admittedly the petitioners executed an irrevocable settlement deed in favour of the first respondent and subsequently cancelled the same thereby the first respondent filed a suit before the trial Court for declaration and consequential injunction and merely because settlement deed was cancelled by the Revenue Divisional Officer and confirmed by the District Collector, the same is not barred for instituting a civil suit against the petitioners. However, the learned counsel would submit that against the order of the District Collector, the writ petition is pending.

5. I have considered the rival submissions and perused the materials available on record.

6. Admittedly, the first petitioner executed a settlement deed in favour of the first respondent, who is his daughter and others. Subsequently, the first petitioner has cancelled the settlement deed



CRP(MD). No.1747 of 2022

WEB COPY

executed in favour of the first respondent and the first respondent has also instituted a suit in OS No.227/2021. Pending suit, the petitioners 1 and 2 filed a complaint before the Revenue Divisional Officer, Dindigul and on the basis of the complaint, the settlement deed was cancelled and the same was subsequently confirmed by the District Collector, Dindigul, against which, the first respondent filed a writ petition and the same is pending before this Court.

7. A perusal of the reliefs sought in the writ petition as well as in the suit would go to show that both the suit and the writ petition has been filed for the very same relief. Therefore, the petitioners are having efficacious remedy before the writ Court, where the cancellation of settlement deed has been questioned. Without adjudicating the issue before the writ Court, filing a suit is not maintainable. The said issue cannot be adjudicated in a suit. For all these reasons, the Civil Revision Petition is allowed and the order dated 21.07.2022 made in I.A.No.2 of 2021 in O.S.No.227 of 2021 on the file of the Additional District Court, Dindigul is hereby set aside and the plaint in OS No.227 of 2021 is



CRP(MD). No.1747 of 2022

ordered to be struck off. No costs. Consequently connected

WEB COPY

Miscellaneous Petition is closed.

**23.07.2025**

**NCC : Yes/No**

**Index : Yes/No**

**RR**

TO

1.The Additional District Court, Dindigul.

2.VR Section

Madurai Bench of Madras High Court, Madurai.



WEB COPY



CRP(MD). No.1747 of 2022

**M.DHANDAPANI,J**

**RR**

**ORDER  
IN  
CRP (MD). No.1747 of 2022**

**Date : 23/07/2025**