

C.R.P.(MD)Nos.2309 & 2079 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2025

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CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)Nos.2309 & 2079 of 2025

and

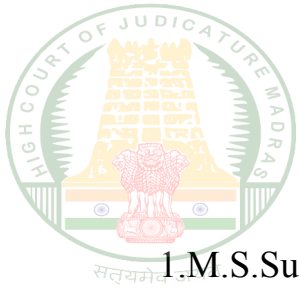
C.M.P.(MD)Nos.13841 & 12107 of 2025

C.R.P.(MD)No.2309 of 2025:

- 1.Gurusubramanian
- 2.V.M.Muthuramalingam
- 3.F.Vincent Jeyakumar
- 4.M.S.Radha Krishnan
- 5.A.Irulappan
- 6.T.V.Pandi
- 7.S.Ramadass
- 8.S.M.Savarimuthupillai
- 9.K.C.Selvakumar
- 10.K.Loganathamurugan
- 11.M.Balasundaram
- 12.Thayalan

...Petitioners

Vs.



C.R.P.(MD)Nos.2309 & 2079 of 2022

1.M.S.Sundaresan

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2.The District Register (Administration),
District Register Office,
Thirupathur Town, Sivagangai Town,
Sivagangai District.

3.R.Boominathan

4.M.Saravanan

5.M.Govindaraja

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair and decretal order passed in I.A.No.40 of 2022 in O.S.No.51 of 2019 dated 28.03.2025, on the file of the learned Subordinate Court, Paramakudi by allowing this Civil Revision Petition.

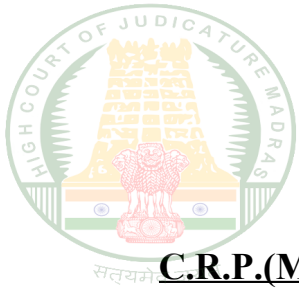
For Petitioners : Mr.S.Kishore Kumar

For Respondent No.1 : Mr.C.Jeganathan

For Respondent No.2 : Mr.B.Saravanan

Additional Government Pleader

For Respondent No.4 : Mr.B.Chakkaravarthy



C.R.P.(MD)Nos.2309 & 2079 of 2025

C.R.P.(MD)No.2079 of 2025:

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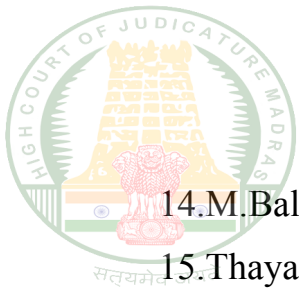
M.Govindaraja

...Petitioner

Vs.

1.Paramakudi V.O.C. Matriculation School Educational Society,
(Reg No.24/2004) represented by its,
Secretary / Correspondent namely M.S.Sundaresan,
Door No.7/145, Madurai Mandapam Road,
Kattuparamakudi,
Paramakudi Town,
Ramanathapuram District.

- 2.Gurusubramanian
- 3.V.M.Muthuramalingam
- 4.F.Vincent Jeyakumar
- 5.M.S.Radha Krishnan
- 6.A.Irulappan
- 7.T.V.Muniyandi
- 8.R.Boominathan
- 9.S.Ramadass
- 10.S.M.Savarimuthupillai
- 11.K.C.Selvakumar
- 12.M.Saravanan
- 13.K.Loganathamurugan



C.R.P.(MD)Nos.2309 & 2079 of 2025

14.M.Balasundaram

15.Thayalan

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16.The District Register (Administration),
District Register Office,
Thirupathur Town, Sivagangai Town,
Sivagangai District.

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to call for the records in connection with the plaint in O.S.No.51 of 2019 on the file of the learned Sub-Court, Paramakudi and struck off the same.

For Petitioner : Mr.Niranjan S.Kumar

For Respondent No.1 : Mr.C.Jeganathan

For Respondent No.2 : Mr.S.Kishore Kumar

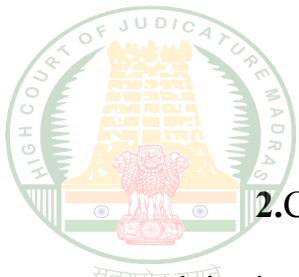
For Respondents 3 to 15 : Mr.B.Chakkaravarthy

For Respondent No.16 : Mr.B.Saravanan

Additional Government Pleader

COMMON ORDER

C.R.P.(MD)No.2309 of 2025 has been filed seeking to set aside the fair and decreetal order passed in I.A.No.40 of 2022 in O.S.No.51 of 2019 dated 28.03.2025, on the file of the learned Subordinate Court, Paramakudi.



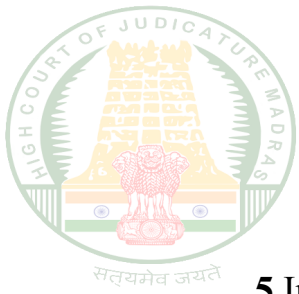
C.R.P.(MD)Nos.2309 & 2079 of 2025

2.C.R.P.(MD)No.2079 of 2025, has been filed seeking to strike off the
plaint in O.S.No.51 of 2019, on the file of the learned Sub-Court, Paramakudi.

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3.Since both the Civil Revision Petitions arise out of the common issue, these Civil Revision Petitions are heard together and are being disposed of by this common order.

4.Learned Counsel for the petitioner in C.R.P.(MD)No.2079 of 2025 would submit that the petitioner is the fifth defendant in the suit in O.S.No.51 of 2019, on the file of the Subordinate Judge, Paramakudi. The said suit was filed by the first respondent / plaintiff, challenging the election of the defendants. However, the period of election of the defendants itself is only three years and that initially, the election was conducted in the year 2019 and the period of three years is over in the year 2022 and the subsequent election was conducted and Form VII application was filed and the same was accepted. Thereafter, another election was conducted and Form VII was accepted. In the said situation, the suit which is pending before the trial Court has become infructuous, thereby, the petitioner has come up with the present Civil Revision Petition in C.R.P.(MD)No.2079 of 2025, to strike off the plaint in O.S.No.51 of 2019, on the file of the Subordinate Judge, Paramakudi. Accordingly, he prays for appropriate orders.



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5. In support of his contention, learned Counsel relied on the decision of this Court in the case of ***All India Anna Dravida Munnetra Kazhagam [preently known as All India Anna Dravida Munnetra Kazhagam (Amma) Vs. All india Anna Dravida Munnetra Kazhagam (Puratchi Thalaivi Amma) reported in 2024 (1) CTC 287.*** The relevant paragraphs of the said judgment reads as follows:

“73.It may be open to the Second Plaintiff to file a suit afresh, but that cannot be a consideration for deciding whether this plaint should remain on the file or not. As we have already pointed out the Hon'ble Supreme Court has held that it will be open to the Court to put an end to a infructuous litigation at any stage of the proceeding. Courts have repeatedly held that under the provisions of Order 7, Rule 11 are not exhaustive and rejection can be on ground outside Order 7, Rule 11 of the Code of Civil Procedure also. As pointed out by the Hon'ble Supreme Court in T.Arivandandam v. T.V.Satyapal and another, referred to supra, a totally vexatious or meritless or infructuous litigation shall not be retained on file and it has to be thrown out. In fact, in Shipping Corporation of India Ltd., v. Machado Brothers and others, referred to supra, the Hon'ble Supreme Court had held that if a suit becomes infructuous due to certain subsequent events is nothing wrong in the suit being thrown out.



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74. *We may also usefully refer to the Judgment of the Division Bench of the Delhi High Court in Aupama Gupta and others v. Kuldeep Singh and others, 2014 SCC Online Del 7417, wherein the Delhi High Court had examined the issue relating to rejection of plaint under Order 7, Rule 11 of the Code of Civil Procedure very exhaustively and had observed that the rejection of plaint can be made on the ground that the litigation has become infructuous. If we are to examine the case on hand in the light of the precedents that have been cited at the bar, we will have to necessarily conclude that the suit as it stands today cannot be retained on the file as the suit espouses the right of a splinter group, that was created by an Interim Order of the Election Commission, which has ceased to be in existence upon the Final Orders having been passed. We are, therefore, unable to fault the Trial Court for having rejected the Plaint.”*

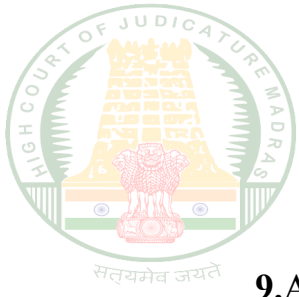
6. Per contra, learned Counsel for the first respondent would submit that the very same election for submitting Form VI and Form VII applications was challenged before this Court in W.P.(MD)No.24061 of 2019 and this Court by its order dated 20.06.2023, disposed of the Writ Petition, without setting aside the Form VI and Form VII applications. As against the same, a Writ Appeal came to be filed by one of the defendants namely Alagu Sundaram in W.A.



(MD)No.1631 of 2025 and the same was disposed of, by issuing a direction to the trial Court to proceed with the trial uninfluenced by the order passed by this Court. When the Single Judge and Division Bench has already issued directions, contrary to the Division Bench direction, the prayer sought for in these Civil Revision Petitions cannot be entertained. Accordingly, he prays for dismissal of these Civil Revision Petitions.

7.Heard the learned Counsel on either side.

8.For the very same prayer as in C.R.P.(MD)No.2079 of 2025, already the defendants in the suit filed an Interlocutory Application in I.A.No.40 of 2022, under Section 151 CPC, and the same came to be dismissed. Suppressing the said dismissal order, filing a Civil Revision Petition is not maintainable and the same cannot be entertained. Further, the Division Bench in W.A.(MD)No. 1631 of 2025 has already issued a direction to the trial Court to proceed with the trial uninfluenced by the order passed by this Court. When the Division Bench has already issued directions, contrary to the Division Bench direction, the prayer sought for in these Civil Revision Petitions cannot be maintained.



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9. Accordingly, these Civil Revision Petitions stand dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

21.08.2025

Internet: Yes/No

Index: Yes/No

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C.R.P.(MD)Nos.2309 & 2079 of 2022

To

1.The Sub Judge,

Paramakudi.

2.The District Register (Administration),

District Register Office,

Thirupathur Town, Sivagangai Town,

Sivagangai District.

3.The Section Officer,

VR Section,

Madurai Bench of Madras High Court,

Madurai.



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M.DHANDAPANI, J.

MR

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