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C.R.P. No.437 of 2018



C.R.P. No.437 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-04-2026

CORAM

THE HONOURABLE MR. JUSTICE K. RAJASEKAR

C.R.P. No.437 of 2023
and C.M.P. No.3670 of 2023

R. Sivagami Rajagopalan ... Petitioner/ 2nd Defendant

Vs

1. P. Kalyanasundaram

2. Shantha Sakthivel

3. G. Banumathi ... Respondents/ Plaintiffs

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decretal order dated 25.11.2022, in I.A.No.1 of 2021 in O.S.No.1735 of 2009 on the file of the Principal District Munsif, Coimbatore.

For Petitioner : Mr. V. Sairam

For Respondents : Mr. S. Kadarkarai

ORDER



C.R.P. No.437 of 2021

This Civil Revision Petition was filed challenging the order dated 25.11.2022 made in I.A.No.1 of 2021 in O.S.No.1735 of 2009 on the file of the Principal District Munsif, Coimbatore.

2. The learned counsel appearing for the petitioner submitted that the petitioner/ second defendant in the suit has come forward with a petition in I.A.No.1 of 2021 in O.S.No.1735 of 2009, by invoking provisions under Order VII Rule 11 of CPC, to reject the plaint on the ground that, one of the property in the settlement deed dated 06.07.2006 was not included as one of the suit properties. He also submitted that, since the prayer sought in the suit for declaration of various documents, including the cancellation of settlement deed dated 06.07.2006, it would be appropriate for the parties to include the entire properties dealt with in the above settlement deed, since one of the property was not included as a suit property, the plaint is liable to be rejected, hence prays to allow the civil revision petition.

3. Per contra, the learned counsel appearing for the respondent/ plaintiff submitted that the petitioner herein/ second defendant had earlier filed civil revision petitions and this Court twice directed the Trial Court to dispose of the suit within a stipulated time, however the petitioner is continuously



litigating and successfully dragging on the suit from concluding. The learned counsel also relied on the order passed by this Court in C.R.P.No.1348 of 2018 dated 17.04.2018, wherein this Court directed the Trial Court to complete the trial, on or before 31.10.2018 by observing as follows:

“6. The two aspects that weigh in favour of the revision petitioner are:

a). That the revision petitioner had filed her application to receive additional written statement even in the year 2014, at least two years before the commencement of the trial. This aspect has been overlooked by the trial Judge. Therefore, it cannot be said with any degree of certainty that the revision petitioner had required the trial court to receive additional written statement to delay the trial process.

b). PW1 has not yet been cross-examined and the line of defence is yet to be put forward to the plaintiff now in the box.

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10. As indicated in paragraph No.6, in this subject matter there are at least five suits pending before different Court and it is informed that some transfer petitions are pending before the District Court, but dehors the transfer petitions, the parties here make a statement that they are willing for consolidation of the suits. Since the District Judge has got suo motu power to consolidate the suits, he is directed to exercise such powers after going through the pleadings in various cases and direct their consolidation. The trial Court is directed to complete the trial on or before 31.10.2018.”

4. The learned counsel for the respondent also submitted that subsequently, in the yet another civil revision petition in C.R.P.(PD).No.3103 of 2018, the very same observation regarding the fixation of time limit for



completing the trial was recorded, hence prays to dismiss the civil revision petition.

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5. Heard both sides and perused the materials available on record.

6. This Court earlier in C.R.P.No.1348 of 2018 dated 17.04.2018, fixed the time limit for completion of the trial on or before 31.10.2018 and the subsequent petition filed before this Court also reveal that the petitioner herein/ second defendant has been continuously litigating and filing various civil revision petitions, for the purpose of delaying the trial. Therefore, I am of the view that, though certain points were raised before this Court, for rejection of the plaint, the same could be very well considered by the Trial Court. Further, it is also reported before this Court that the evidence of P.W.1 was also concluded, therefore it would be appropriate for the Trial Court to decide all these issues. Hence I am of the view that, it is not appropriate for this Court to reject the plaint on the grounds raised herein.

7. Accordingly, this civil revision petition is dismissed. Consequently, connected civil miscellaneous petition stands closed. There shall



C.R.P. No.437 of 20

be no order as to costs.

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To

The Principal District Munsif,
Coimbatore.

K. RAJASEKAR, J.

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