



WEB COPY

CRP No. 915 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 915 of 2026

R.Gokula Kannan
S/o. Mr.Rajaram,
New No.13, Old No.6,
Venus Colony First Street,
Alwarpet, Chennai-600 018.

..Petitioner(s)

Vs

Sarasa (Died)
represented by LR Muthu (died)

1. Kauvery Selvan
S/o. Chandrasekaran
No. 2 NGO Colony 1st Street
B.V. Nagar, Pazhavanthangal
Chennai 114.
2. Nagarajan, S/o. Ekambaram
Representing Udayam,
Dr.Ambedkar Youth
Academic Movement
Chennai 114
3. R.Mohan Ranganathan
S/o. Rajaram, New No. 13, Old No. 6,
Venus Colony First Street
Alwarpet, Chennai 18

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India seeking to strike off the plaint in OS No. 48 of 1998 on the file of the Learned Additional District Munsif, Alandur.

For Petitioner(s):

Mr. M.Deivanandam



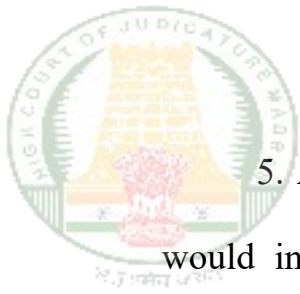
ORDER

This Civil Revision Petition has been filed seeking to strike off the plaint in O.S.No.48 of 1998 on the file of Additional District Munsif, Alandur.

2. Originally, the deceased Sarasu/ plaintiff filed the above said suit for bare injunction against the first and 2nd respondent herein and subsequently, the petitioner and the 3rd respondent herein have been impleaded as party defendants.

3. It is seen from the typed set of papers that pending suit, the said Sarasu executed a registered settlement deed in favour of her husband Muthu on 30.03.2012. Subsequently, the said Sarasu died on 19.06.2015 leaving behind her husband Muthu as sole heir. The said Muthu executed a Will in favour of one Harikumar on 30.06.2015. On the basis of the above said Will, Harikumar filed an application to implead himself as third plaintiff in the suit in I.A.No.1047 of 2018 and the same is pending.

4. The petitioner herein filed the instant civil revision petition seeking to strike off the plaint mainly on the ground that after the death of Sarasu, the suit cannot be proceeded with and therefore, the plaint shall be struck off. It is also stated by the petitioner that the Will executed by Muthu in favour of Harikumar has been disputed and hence, the validity of the Will cannot be gone into in the present suit for bare injunction.



5. A reading of the affidavit filed by Harikumar in I.A.No.1047 of 2018 would indicate that Sarasu executed a settlement deed, settling the subject property in favour of her husband Muthu and thereafter, the said Muthu executed a Will on 30.06.2015 bequeathing the suit property in favour of Harikumar. On the strength of this document, he filed the above said application seeking his impleadment as a party plaintiff in the said suit in O.S.No.48 of 1998.

6. The learned counsel for the petitioner would submit that the application in I.A.No.1047 of 2018 has been filed only to implead himself in the suit as a party /proposed plaintiff. Therefore, the same cannot be treated as a petition to bring him on record as legal heir of the deceased plaintiff. It is settled law that quoting a wrong provision is not a ground to reject the prayer. A reading of the Affidavit would indicate that the above said Harikumar filed the said impleading application claiming himself as a testamentary heir of Muthu, in whose favour the suit property was settled by original plaintiff Sarasu, pending suit. Therefore, the issue raised by Harikumar in I.A.No.1047 of 2018 with regard to his impleadment to represent the estate of the deceased plaintiff Sarasu, based on the Will has to be considered by the Trial Court in the enquiry in the said application. The petitioner is entitled to file a counter in the said application opposing the impleadment of Harikumar in the suit as plaintiff to enable him to proceed with the suit.



7. The issue raised by the petitioner herein with regard to the validity of the Will and entitlement of Harikumar to represent the estate of Sarasu, etc., have to be decided only in I.A.No.1047 of 2018 by the Trial Court and the same cannot be considered in a revision while exercising its supervisory power. The issue raised by the petitioner requires evidence. Therefore, the same cannot be considered conveniently in this revision. When an appropriate application has been filed by a person claiming himself as a testamentary heir of Muthu and the same is pending for enquiry, the prayer sought for by the petitioner to strike off the plaint cannot be entertained.

8. Accordingly, this civil revision petition is disposed of with liberty to the petitioner to raise all his objections in I.A.No.1047 of 2018 in O.S.No.48 of 1998, pending before the Trial Court. Having regard to the fact that I.A.No.1047 of 2018 filed by the said Harikumar was numbered in the year 2018 itself and the same is pending enquiry, the Trial Court is directed to dispose of the same as expeditiously as possible. There shall be no order as to costs.

24-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MST



To

The Additional District Munsif, Alandur.

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S.SOUNTHAR, J.

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