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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CRP No. 1422 of 2024

CNR:{HCMA010294602024}

and

CMP No. 7659 of 2024

1. Padmasini R
   D/o Rajagopal
   45/3E, Nabigal Nayagam Street
   Pudhupalayam, Cuddalore District

2. Somasundaram R
   S/o Rajagopal
   45/3E, Nabigal Nayagam Street
   Pudhupalayam, Cuddalore District

Petitioners

Vs

1. Anthoni Amalraj
   S/o Arokiadass
   Rep by his Power
   Agent Arokiadoss
   28, Police Line 1st Street
   Kamaraj Nagar, Panruti
   Cuddalore District

2. Alex Rozario
   S/o. Arokiadass
   Rep by his Power
   Agent Arokiadoss
   28, Police Line 1st Street
   Kamaraj Nagar, Panruti
   Cuddalore District

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3.R.Sivakumar
S/o Ramamurthi
No.7, VOC Street, Panruti
Cuddalore District

4. R.Krishnan
S/o. Ramalinga Padayachi
Muthandikuppam Village
Hamlet of Perperiankuppam, Panruti
Cuddalore District

5. S.Kalanidhi
W/o. Narasimhalu
No.9, Kamaraj Nagar, Panruti
Cuddalore District

6. Dr.Muralidharan
S/o. Narasimhalu
No.9, Kamaraj Nagar, Panruti
Cuddalore District

7. Dr.V.Panneerselvam
S/o. Vadivel Padayachi
No.117/1, Police Line, 4th Street
Panruti, Cuddalore District

Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, praying to strike off the plaint in O.S.No.296 of 2023 on the file of the Principal District Judge at Cuddalore.

For Petitioners: Mr.P.Dinesh Kumar

For Respondents: Mr.D.Baskar for R1 & R2
Mr.K.Moorthy for R5 & R6
Mr.E.Ashok Kumar for R7
R3-No appearance
R4-Died

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This civil revision petition has been filed under Article 227 of the

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Constitution of India to strike off the plaint in O.S.No.296 of 2023 on the file of the learned Principal District Judge, Cuddalore mainly on the ground of re-litigation and abuse of process of law.

2. Heard the respective learned counsel appearing for the parties and carefully perused the materials available on record.

3. The respondents 1 & 2 are the plaintiffs, who filed the suit in O.S.No.296 of 2023 seeking for the relief of declaration of title to the 'B' schedule property and for permanent injunction.

4. The present civil revision petition has been filed by the defendants 1 & 2 mainly on the ground that the suit filed by the respondents 1 & 2 tantamounts to re-litigation, since the previous round of litigation has come to an end before the Apex Court in the year 2022 and the respondents 1 & 2, as subsequent purchasers, are attempting to resurrect an issue which has already attained finality.

5. In order to appreciate the stand taken by the petitioners, this Court went through the entire documents filed in the paper-book.

6. A suit came to be filed in O.S.No.234 of 1996 on the file of the Sub

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Court, Panruti by the 1st and 2nd petitioners seeking for the relief of declaration of title, recovery of possession and mandatory injunction as against the vendors of the 1st and 2nd respondents. The suit was decreed by the judgment and decree dated 19.10.2000. Aggrieved by the same, the legal heirs of the defendants including the vendors of the 1st and 2nd respondents herein preferred A.S.No.35 of 2003 before the Additional District Court (Fast Track Court No.2), Cuddalore. The said appeal came to be dismissed by the judgment and decree dated 21.11.2003. Aggrieved by the same, S.A.No.1060 of 2004 came to be filed before this Court. Even during the pendency of this second appeal, the respondents 1 & 2, who are the plaintiffs in this case, filed C.M.P.No.751 of 2013 to implead themselves as respondents in the second appeal. It will be relevant to take note of the averments made by them in the affidavit that was filed in support of the petition and the same are extracted hereunder:-

> "2. We are the bonafide purchasers of land measuring 1671 sq.ft in S.No.51/5 ward No.B block 45 T.S.Nos.38 to 44 and old block No.9 T.S.Nos. 113 to 120 from the respondents 8, 9,10,12 & 13/appellants 8, 9, 10,12 & 13 who were added as legal heirs of the deceased Abdul Munaf Sahib who was the 1st defendant in No.234/96 on the file of Sub Court, Panrutti under a registered document dated 23.11.2009. We also purchased 695.5 sq.ft in same said survey numbers under a registered

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document dated 06.08.2012 from the legal heirs of Abdul Jabar Sahib who is the 2nd defendant in O.S.No.234/96 on the file of Sub Court, Panrutti. The properties purchased by us totally measuring an extent of 2366.5 sq.ft were in the possession of our vendors. Our vendors derived their title from the respondents 14 &15/Plaintiffs mother, Rengammal, and her brother, Ramasamy.

3. It is stated in the plaint that a piece of property measuring 0.27cents was originally owned by Meenakshiammal the maternal grand mother of the respondents 14&15/Plaintiffs. Meenakshiammal during her life time sold the eastern 13 cents under Ex.A4 dated 04.09.1924 to Hasan khan Sahib. After her death her children, Rengammal (mother of the plaintiffs) and her brother Ramasamy sold the balance extent of land in their possession under a registered sale deed dated 15.6.1950, Ex.A10 in favour of Muthia Pillai. Both the properties covered by Ex.A 4 and A10 were with measurements and specific boundaries. The vendors under the document Ex.A10 had not retained any part of the property in the said survey number. And there was no vacant site available and in possession of Rengammal and her brother Ramasamy.

4. The property purchased by Muthia Pillai

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from the mother of the Respondents 14 and 15/plaintiffs, was sold by him to one Mr.K.Subhan Khan Sahib under Ex.A 11 on 14.5.56, who in turn sold it to Khairoon Beevi Ammal under a registered sale deed dated 25.2.1958 under Ex.A12. Khairoon Beevi Ammal sold the property in her possession and enjoyment to two portions-eastern 6 cents to Saraswathi ammal and the western 6 cents to Mohd Işmail, Ex.A13 and A15 respectively. Saraswathi ammal had convened her rights to Piyari John under Ex.A14. Piyari John and Mohammed Ismail then exchanged their respective lands under Ex.A21 on 16.2.1966. The sale deeds above mentioned had clearly mentioned the existence of a superstructure in the properties sold and the purchasers under the various documents had been enjoying their houses by paying property taxes. While so the respondents 14&15 who had no subsisting interest in the suit property filed the present suit on frivolous claim of title. The respondents 14 and 15 had not denied the sale deeds executed by their mother and had not denied the title of the defendants to the properties purchased by them. In such circumstances, the respondents 14 and 15 cannot prevent the defendants and their men and assignees from enjoying their respective properties lawfully obtained by them and in their possession for more than 63 years as of today. These petitioners are in enjoyment of land

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only an extent of 2366.5 sq.ft which is the subject matter of sale in their favour and the petitioners are not in enjoyment of any land in excess of the same.

5. We are the bonafide purchasers for valuable consideration we were not aware of the pending litigation between our vendors and respondents 14&15. We as normal and prudent men applied for encumbrance certificate for about 25 years with Sub Registrar's Office, Panrutti and was satisfied that they are no encumbrances on the property we have purchased. The property we have purchased is bounded on the north by Sridevi on the east by road which is koil maniyam on the south by police line pattai and on the west by Dr.Pannerselvam clinic and house. The respondents 14&15 alleged in their plaint that the property purchased by us within the above stated boundary is included in 'B' schedule property of the plaint. I submit that it is not the property owned by respondents 14&15 but it is a portion of property sold by them under Ex.A10.

6. After purchase of the property we engaged a contractor to build a complex on our land and got our plan approval by the local authorities on 18.05.2011. The patta for the property which originally stood in the name of our deceased D1&D2 was transferred to our name.

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7. The construction of the building was started about one year back. A basement to a depth of 11 feet below the ground level was dug and the ground floor is laid and concrete pillars were raised above it. The construction is going on openly in front of the Panrutti bus stand for the past one year.

8. On 19.07.2013 the Inspector of Police Panrutti called us and stated that an injunction restraining construction was obtained by respondents 14&15 against my vendors in this Hon'ble Court in CMP.No.511/2013 in S.A.No.1060/2004 dated 09.07.2013.

9. We came to know of the pendency of litigation only from the police on 19.07.2013. Respondents 14215 have never exercised any right over the property we have purchased. The encumbrance certificate obtained by us did not reveal any title in favour of respondents 14&15. The recent record also does not stand in the name the respondents 14&15 at any time. After having sold the entire property left by the grand mother Meenachiammal, the respondents 14&15 filed the suit claiming as though some more extent of land was available in the suit survey number after the sales by their mother and grandmother.

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10. From the material gathered from the documents, plaint and written statement collected from my vendors we are sure that our vendor's title to the property purchased by us is perfect and marketable. We have received legal opinion on the same. We are necessary parties to the appeal. Only if we are added parties to the appeal can be present our case in the best manner possible.

11. From the affidavit and petition in CMP.No.511 of 2013 in S.A.No.1060 of 2004, it could be seen that the respondents 14&15 have added us as parties to the petition and scored off our names. This fact clearly proves the knowledge that the respondents 14&15 were aware of our purchases the building permission granted and our construction work for the past one year. Respondents 14&15 have allowed us to construct and now come forward with this petition. The police at Panrutti when presented with the question that there is no injunction as such against us and that by scoring off our names in the injunction affidavit and petition the respondents 14&15 did not aspire for an injunction against us. The police replied that we come under category of "men agent etc".”

7. This Court, by an order dated 09.01.2014, dismissed the petition on the

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ground that it is not maintainable, since the respondents 1 & 2 are subsequent purchasers of the property.

8. Ultimately the second appeal came to be dismissed by the judgment and decree dated 13.02.2019 and this judgment was also reported in 2019 (4) CTC 907.

9. Aggrieved by the dismissal of the second appeal, the 1st appellant in the second appeal filed a Special Leave Petition before the Apex Court and the SLP also came to be dismissed on 17.10.2022.

10. After the earlier round of litigation attained finality, the present suit has been filed in O.S.No.296 of 2023. In the plaint that has been filed in O.S.No.296 of 2023, the plaintiffs have attempted to give an impression as if they are in possession and enjoyment of the 'B' schedule property as per their sale deeds and this property was not a subject matter in the earlier suit that was filed by their vendors.

11. The above suit filed by the plaintiffs has been questioned by the 1st and 2nd defendants on the ground that it is clear case of abuse of process of law and re-litigation, which is liable to be interfered by this Court under Article 227

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of the Constitution of India.

12. The main ground that was urged on the side of the respondents 1 & 2/plaintiffs is that the present suit property is different from the suit property that was the subject matter in the earlier round of proceedings and the same can be established only by way of letting in evidence and it requires appreciation of evidence to decide the issue.

13. The respondents 1 & 2/plaintiffs filed the impleading petition before this Court when the second appeal was pending. While filing the impleading petition, they did take a stand that they have purchased the property from their vendors, who were the defendants in the said suit, and attempted to make their claim in the second appeal. This attempt made by the respondents 1 & 2/plaintiffs was thwarted by dismissing their petition. They wait till the disposal of the SLP before the Apex Court and thereafter, in the year 2023, the present suit has been filed before the Court below.

14. In the considered view of this Court, the 1st and 2nd respondents, who are admittedly subsequent purchasers, have attempted to create an illusion as if the suit property is different from the property that was the subject matter in the earlier suit. If that is so, there was no need for them to make an attempt to

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implead themselves in the second appeal. The plaintiffs are virtually attempting to achieve indirectly what their vendors were not able to achieve directly in the earlier round of litigation.

15. This Court is aware of the judgment of the Apex Court in the case of *P.Suresh v. D.Kalaivani and others, 2026 SCC OnLine SC 143*, where the Apex Court has made it clear that when there is an alternative remedy available under the Civil Procedure Code, the Court should not exercise its jurisdiction under Article 227 of the Constitution of India, except where the exercise of supervisory jurisdiction becomes absolutely necessary.

16. In the case at hand, the ground raised is that the present suit is a re-litigation and abuse of process. These are not grounds that are available under Order VII, Rule 11 of CPC. This Court has repeatedly held that abuse of process and re-litigation being not a ground available under Order VII, Rule 11 and in such exceptional case, this Court can exercise its jurisdiction under Article 227 of the Constitution of India. Useful reference can be made to the judgment of this Court in the case of *K.Suganthy v. R.Chandrasekaran and Others* reported in *2025 (4) MLJ 520*. Reference can also be made to the judgment of this Court in the case of *A.K.Hafasha and others v. Anees Banu and others* reported in *2025 (5) MLJ 499*.

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17. In the case at hand, on the face of it, it is quite clear that the purchasers of the property are attempting to resurrect a litigation, which has already come to an end, in which their vendors were parties. If the plaintiffs are allowed to continue with one more round of litigation, there will be no end to civil litigations and in such exceptional case, the Court has to necessarily exercise its jurisdiction under Article 227 of the Constitution of India. Even as per the judgment of the Apex Court in P.Suresh's case referred supra, the Apex Court has made it abundantly clear that this Court can certainly exercise its supervisory jurisdiction where it becomes absolutely necessary. This Court finds that in the case at hand, it is absolutely necessary for this Court to exercise its supervisory jurisdiction to prevent any further abuse of process of law.

18. In the result, the suit plaint in O.S.No.296 of 2023 on the file of the learned Principal District Judge, Cuddalore is struck off and the present civil revision petition is allowed. Consequently, the connected civil miscellaneous petition is closed. No costs.

28-10-2026

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

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To

1. The Principal District Judge
   Cuddalore

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N.ANAND
VENKATESH J.

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