



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

C.R.P No.684 of 2026
C.M.P.No.3632 of 2026

1.M.Madhavi

2.T.Marappan

3.T.M.Arthi

4.M.Arjun

..Petitioner(s)

Vs

1.T.Palanisamy

2.P.Praveenkumar

..Respondent(s)

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, pleased to strike of the plaint filed by the respondents / plaintiffs as O.S.No.39 of 2024 on the file of Principal District Munsif Court, Tiruchengode, dated 12.02.2024.

For Petitioner(s):

Mr.V.C.Janarthanan for

Mr.V.Nirmal Kumar

ORDER

This Civil Revision Petition is filed seeking to strike of the plaint filed by the respondents in O.S.No.39 of 2024 on the file of Principal District Munsif Court, Tiruchengode, dated 12.02.2024.



2.The respondents herein filed a suit seeking a declaration that settlement deed dated 14.12.2023 executed by the defendants 2 to 4 in favour of first defendant by including the property belong to them was null and void and for consequential injunction restraining the defendants from alienating the suit property to a third party. They had also sought for permanent injunction restraining the defendants from interfering with the alleged possession over the suit property.

3.It is the case of the respondents that there was a partition on 02.01.2007 involving the respondents and petitioners 2 to 4 / defendants 2 to 4, whereunder the suit properties were allotted to the share of respondents as Item No.1 and 4 under A schedule to the partition deed. It was further stated on 10.01.2024, the petitioners attempted to interfere with the possession of the respondents and therefore they obtained encumbrance certificate for the suit property. Only thereafter, the respondent acquired knowledge about the impugned settlement deed. According to the respondents, the settlement deed was executed by defendants 2 to 4 by suppressing the earlier partition and hence the above said suit was filed seeking above said reliefs.

4.The petitioners filed the present revision seeking to strike off the plaint on the ground that respondents filed a suit in O.S.No.403 of 2004 on the file of Sub Court, Namakkal, against petitioners 2 to 4 seeking relief of partition and



wherein a compromise decree was passed on 07.11.2005. It is stated that suppressing the above said decree, the present plaint has been filed by the respondents. According to the petitioners, the plaint schedule property T.S.No.4/2 of Tiruchengode Town, was allotted to petitioners as per the compromise decree dated 07.11.2005. A perusal of the compromise decree passed in O.S.No.403 of 2004 would indicate suit property was allotted to respondents / plaintiffs under item Nos.1 and 4 of A schedule property in the compromise decree. The boundaries mentioned in the said decree tallies with the boundaries mentioned in the plaint. In any event, if it is the case of the petitioners that the suit property was allotted to them in the earlier compromise decree and the respondents / plaintiffs had no right over the suit property on the date of plaint and hence there was no cause of action for maintaining the suit prayer, the petitioners have to file a proper application before the trial Court seeking rejection under Order VII Rule 11 of Code of Civil Procedure. The Apex Court in a recent decision in ***P.Suresh Vs. D.Kalaivani and others*** reported in ***2026 INSC 121*** categorically held, when a litigant has got remedy before the Court of first instance under Order VII Rule 11 of Code of Civil Procedure is not entitled to invoke supervisory jurisdiction under Article 227 of Constitution of India. The relevant observation reads as follows:-

9.From the aforesaid discussion, it would logically follow that the High Court would not only discourage but desist from exercising jurisdiction under Article 227 of the Constitution in



respect of a challenge for which a separate, distinct and specific remedy or statutory provision is available under the statute concerned. Availability of an alternative civil remedy and / or under the C.P.C shall be treated as complete and near total bar on the High Court to venture to invoke and exercise its power available under Article 227 of the Constitution, except where exercise of supervisory jurisdiction becomes absolutely necessary.

5. In view of the same, without expressing any opinion on the merits of the case, the Civil Revision Petition stands dismissed with liberty to the petitioners to file petition under Order VII Rule 11 of C.P.C. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

12-02-2026

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

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To
The Principal District Munsif Court, Tiruchengode.

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