



WEB COPY

CRP No. 1882 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1882 of 2026

Chinnappa Gounder
S/o Rakkimuthu Gounder,
Karuman Kalam,
Near Athupalam,
Erithenpathi Village,
Chittur Tk,
Palagad Dist. Kerala
Rep by Power Agent
Krishna Kumar
S/o Lakshmanasamy,
D.No.4/11, Forest Road,
K.Nagoor,
Kanjampatti (Post)
Pollachi Tk,Coimbatore

..Petitioner(s)

Vs

Krishnaveni
W/o Kaliyappa Gounder,
D.No 72,
Palagad Road,
Pollachi Tk,
Coimbatore.

..Respondent(s)

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Docket Order dated 16.10.2025 passed in OS.Filing.No.1028 of 2025 on the file of Subordinate Court, Pollachi and direct the learned Sub Judge, Pollachi to number the suit presented in OS.Filing.No.1028 of 2025 and proceed with the same in accordance with law by allowing this Revision Petition.

For Petitioner(s):

Mr.S.Nirmal Aditya

**ORDER**

Challenging the order dated 16.10.2025 passed in OS.Filing.No.1028 of 2025 on the file of Subordinate Court, Pollachi and to direct the learned Sub Judge, Pollachi to number the suit presented in OS.Filing.No.1028 of 2025 and proceed with the same in accordance with law. Aggrieved over by the return made, the plaintiff has come forward with the present civil revision petition.

2. The learned counsel for the revision petitioner submits that the plaintiff filed the suit before the trial court to declare the final decree passed in OS No.2 of 2005 not binding on him, since he has already purchased that property long back from one of the defendants of that suit. As on date from the sale deed of the year 2007 he is the owner of the property, before that his vendor purchased the property on 23.04.1996. They executed a sale agreement and thereafter Power of Attorney was executed in the year 1996. Subsequently, sale deed was executed on 22.09.1997 from that vendor the present plaintiff has purchased the property in the year of 2007. The Court below failed to give any observation with regard to her sale deed and allotted the property in favour of the plaintiff in that suit. Therefore, he come forward with the suit to declare that decree not binding on him. The court below failed to number the suit, as the court is not inclined to take the case on file stating that since the final decree proceedings in IA No.696 of 2018 is pending before this Court, if at all the plaintiff is having any grievance, he has to file an appeal against the decree passed in OS No.2



of 2005 or he has to make objections in IA No. 696 of 2018 and without availing the same, now he come forward with the Suit, as such is a prematured one. So far the final decree was not passed for the same suit properties, still another suit is pending in final decree proceedings. Considering that Liberty is granted to the plaintiff to file their objections before the trial court in final decree proceedings where the final decree proceedings are pending or entitled to file an appeal against the said decree as per manner known to law.

3. The learned counsel submits that in the year 2024, the final decree also been passed and still the appeal remedy is available to them to workout the remedy before the appropriate court. The original plaint is ordered to be returned by the Registry.

4. With the above observations, this Civil Revision is disposed of. No costs.

20-04-2026

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

MTL

To

1. The Subordinate Court, Pollachi.



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T.V.THAMILSELVI, J.

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