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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition No.1386 of 2024
and
C.M.P.No.7411 of 2024

CNR: {HCMA010569102024}

1. V.Mylswamy
   S/o.Vettae Gounder

2. V.Kandaswamy
   S/o.Vettae Gounder

3. T.K.Rangaswamy
   S/o.Vettae Gounder

4. R.Maheshkumar
   S/o.T.K.Rangaswamy

5. R.Vignesan
   S/o.T.K.Rangaswamy

..Petitioners

Vs

S.Muruganandam
S/o.C.Sundram

..Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 06.12.2023 passed in I.A.No.1 of 2022 in O.S.No.756 of 2020 on the file of IV Additional District Munsif, Coimbatore.

For Petitioners : Mr.A.Ram Kumar

For Respondent : Mr.I.Abrar Md Abdullah
and Ms.V.Shrivarshini

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This civil revision petition has been filed under Article 227 of the Constitution of India against the order dated 06.12.2023 passed in I.A.No.1 of 2022 in O.S.No.756 of 2020 on the file of IV Additional District Munsif, Coimbatore, wherein the application filed by the petitioners/defendants under Order VII Rule 11 CPC to reject the plaint, came to be dismissed by the Court below.

2. Heard learned counsel on either side and carefully perused the materials available on record. This Court also went through the impugned order.

3. Even though the civil revision petition was filed under Article 227 of the Constitution of India, this Court converted the same into one under Section 115 CPC and heard both sides.

4. The respondent/plaintiff filed the suit in O.S.No.756 of 2020 seeking for the relief of permanent injunction restraining the petitioners/defendants from entering into any sale agreement with third parties and for permanent injunction restraining the defendants from alienating the suit property pursuant to the oral sale agreement dated 30.07.2020. The petitioners, who are defendants, filed an application under Order VII Rule 11 CPC on the ground that the suit is barred

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by law by relying upon Section 41(h) of the Specific Relief Act and taking a stand that there is an efficacious remedy available for filing a suit for specific performance and therefore, the bare injunction suit is not maintainable. The Court below dismissed the application on the ground that the efficacious alternate remedy available to the petitioner is not a ground to reject the plaint since the cause of action has been clearly spelt out in the plaint. Aggrieved by the said order, the present revision has been filed.

5. It will be relevant to take note of paragraph No.2 of the plaint, which is extracted hereunder:

> "2. Hence the Plaintiff is coming forward with this suit for permanent injunction restraining the Defendants from entering into any sale agreement with third parties for alienation of the suit property and for permanent injunction restraining the defendants from alienating the suit property suppressing the oral sale agreement with the Plaintiff dated 30.07.2020. Since the Defendants have not secured necessary clearance from HAKA, filing of suit for specific performance is premature."

6. It is clear from the above that the respondent/plaintiff is relying upon an oral agreement dated 30.07.2020 based on which it is claimed that an advance amount of Rs.30,00,000/- has been paid and the clearance from HAKA is yet to be received and in the mean time, steps are being taken to enter into agreement of sale with third parties. Thus, going by the averments made in the plaint, it is seen that no cause of action has arisen for filing a suit for specific performance in the light of the clearance yet to be granted by HAKA.

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N.ANAND VENKATESH, J.

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Therefore, the most efficacious remedy as on the date of filing of the suit is a suit for permanent injunction and nothing more. The order passed by the Court below does not suffer from any perversity warranting interference of this Court. More than six years have lapsed and it is not known as to whether subsequently clearance was obtained from HAKA and the suit for specific performance has been filed. In any event, that is not relevant for the purpose of deciding the present revision.

In the result, the impugned order is sustained and this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

28-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To
The IV Additional District Munsif,
Coimbatore.

Civil Revision Petition No.1386 of 2024

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