



WEB COPY

C.R.P. NO.1608 OF 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDER RESERVED ON : 21 / 11 / 2025

ORDER PRONOUNCED ON: 24 / 02 / 2026

CORAM :

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

C.R.P. NO.1608 OF 2022

AND

C.M.P. NO.8067 OF 2022

1.J.Gopalakrishnan,
S/o.R.Janakiraman,
Door No.30-1614/1 Plot No.93,
Surya Nagar, Makajgiri,
Hyderabad – 500 047.

2.R.Balakrishnan,
S/o.R.Ragunathan,
Door No.1/88, Vidhya Nagar,
Opposite to Immaculate School,
Jothipuram, Coimbatore – 641 047.

3.S.Yesotha,
W/o.P.Sanjeev Kumar,
Door No.3/166, Matheshwaran Koil Thottam,
Naickenpalayam Post, Coimbatore – 641 020.

4.V.Parthiban,
S/o.Venkatesan,
Ranganayaki Nagar,
Sri Ramakrishna Vidyalaya Post,
Coimbatore – 641 020.

5.P.Sundarrajan,
S/o.Palanisamy,
S.F.No.481, Near Matheswara Temple,



C.R.P. NO.1608 OF 2022

Nayakenpalayam Post, Periyanaickenpalayam,
Coimbatore – 641 020.

6.P.Sanjeev Kumar,
S/o.Palanisamy,
S.F.No.481, Near Matheswara Temple,
Nayakenpalayam Post, Periyanaickenpalayam,
Coimbatore – 641 020.

7.V.Dhanraju,
S/o.M.Velusamy,
Door No.57-A, Pioneer Nagar,
Jothipuram Post,
Coimbatore – 641 047.

... Petitioners/Defendants 1 to 7

Versus

1.P.Navaneethakrishna Raj,
S/o.Purushothaman,
Door No.16/2, Balaji Nagar,
S.R.K.V.Post, Coimbatore – 641 020.

2.B.Nagaraj,
S/o.BasikalRamanujam,
Door No.5/3, Kurunji Nagar,
Palayaputhur, Coimbatore – 641 020.

3.P.Loganathan,
S/o.PalaniappaGounder,
Door No.5/379, Anna Nagar,
Naickenpalayam Post,
Coimbatore – 641 020.

4.K.Sukumaran,
S/o.Kanna Naidu,
Door No.290, Perumal Koil Veethi,
T.N.Palayam, Jothipuram,
Coimbatore – 641 047.



C.R.P. NO.1608 OF 2022

5.R.Sivakumar,
S/o.Ramasamy,
Door No.8/4, SKR Nagar,
Press Colony, Coimbatore – 641 019.

6.A.Suresh,
S/o.Arumugam,
Door No.10/6B, Chandramani Nagar,
Paliyapudur,
Sri Ramakrishna Vidyalaya Post,
Coimbatore – 641 020.

... Respondents 1-6/Plaintiffs

7.Sree Shirdi Saibaba,
Matheswaran Trust,
Rep. by its Managing Trustee,
Mr.N.Dharmalingam,
Door No.B-9, R.K.N.Clave,
S.R.K.V.Post, Periyanaickenpalayam,
Coimbatore – 641 020.

... Respondent-7 /Defendant-8

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, 1950, praying to strike off the plaint in O.S. No.394 of 2022 on the file of the III Additional District Munsif Court, Coimbatore by allowing this Civil Revision Petition by exercising the power conferred under Article 227 of the Constitution of India, 1950.

For Petitioners : Mrs.V.Srimathi

For Respondents-1 to 6 : Mr.B.Karthikeyan
- No appearance

For Respondent-7 : Mr.V.Anandamoorthy
- No appearance

* * *



C.R.P. NO.1608 OF 2022

ORDER

WEB COPY

This Civil Revision Petition is filed under Article 227 of the Constitution of India, 1950, praying to strike off the plaint in O.S. No.394 of 2022 on the file of the III Additional District Munsif Court, Coimbatore, by the defendants 1 to 7 therein.

2. The revision petitioners 1 to 7 herein are the defendants 1 to 7 in the Suit in O.S. No.394 of 2022. The respondents 1 to 6 herein are the plaintiffs and the 7th respondent - trust herein is the 8th defendant therein.

3. Mrs.V.Srimathi, learned Counsel for the revision petitioners would submit that, earlier, seventh respondent - trust filed a Suit in O.S. No.1380 of 2014 against the revision petitioners and one V.Prakash. The said Suit was decreed by the learned Principal Subordinate Judge, Coimbatore. Assailing the Judgment and Decree passed therein, the revision petitioners herein / defendants therein filed an appeal in A.S. No.39 of 2017 on the file of the learned District Judge, Coimbatore. After a complete trial, the learned IV Additional District & Sessions Judge, Coimbatore, allowed the appeal and set aside the Judgment and Decree passed in O.S.No.1380 of 2014. Subsequently, the plaintiff in O.S.No.1380 of 2014 preferred a Second Appeal before this Court in S.A.No.559 of



2022 and the same was dismissed vide Judgment dated August 4, 2022.

While so, now, the seventh respondent - trust in collusion with the respondents 1 to 6 / plaintiffs have filed a fresh Suit in O.S. No.394 of 2022 seeking injunction against the revision petitioners, which is the present Suit. She would further submit that, when already the Suit filed by the seventh respondent - trust for declaration and permanent injunction was dismissed by the Appellate Court, the present Suit has been filed only with a view to harass the revision petitioners. The present Suit in O.S. No.394 of 2022 is an abuse of process of law. Accordingly, she would pray to strike off the plaint in O.S. No.394 of 2022.

4. Though the respondents 1 to 6 herein and the seventh respondent - trust herein initially entered appearance through their respective Advocates, they did not later appear before this Court to contest their case, despite names being mentioned in the cause list.

5. This Court has considered the submissions made by the learned Counsel for the revision petitioners and perused the case file.

6. From a perusal of the typed set of papers, it could be seen that the seventh respondent - trust filed an earlier Suit in O.S. No.1380 of 2014



C.R.P. NO.1608 OF 2022

seeking declaration that seventh respondent - trust is in effective management and administration of *Sree Matheswaran and Sree Shirdi Saibaba Temple* consecrated on April 1, 2012, situated in an extent of 15 Cents in Re-Survey No.483/1 of Naickenpalayam Village, Coimbatore North Taluk, Coimbatore District, and also for permanent injunction. It could further be seen that the said Suit was decreed and a first appeal was preferred by the revision petitioners / defendants therein, and the Appellate Court allowed the appeal and set aside the Judgment and Decree in the earlier Suit in O.S. No.1380 of 2014 and thereby dismissed the said Suit. Subsequently, the plaintiff in O.S.No.1380 of 2014 preferred a Second Appeal before this Court in S.A.No.559 of 2022 and the same was dismissed vide Judgment dated August 4, 2022.

7. In these circumstances, the respondents 1 to 6 / plaintiffs have filed the present Suit for permanent injunction. Case of respondents 1 to 6 / plaintiffs in the present Suit is that they are the worshippers of the Suit temple; that the Suit temple is situated in *poromboke* land; and that they are not in any manner connected with *inter se* dispute between the seventh respondent - trust and the revision petitioners.



8. The present Suit in O.S. No.394 of 2022 was filed in the 2nd week of April 2022 and it is learnt that an *ad-interim* injunction was granted on April 12, 2022 against the revision petitioners and the case was posted to April 26, 2022. This Civil Revision Petition has been filed on April 22, 2022 even before the 1st hearing of the Suit.

9. The Hon'ble Supreme Court in ***T. Arivandandam -vs- T.V.Satyapal*** reported in (1977) 4 SCC 467 has held that Trial Court shall nip vexatious suits filed without any clear right to sue at bud under Order VII Rule 11 of the Code of Civil Procedure, 1908 [CPC], if the grounds stipulated therein are satisfied. It was further held that when by way of clever pleadings an illusion of cause of action is created, Trial Court must play an active role and shoot down such cases at the time of first hearing by examining the parties under Order X of CPC.

10. To be noted, the present Civil Revision Petition has been filed even before the 1st hearing, after receiving the summons, even without knowing the contents of the plaint and plaint documents, by the revision petitioners, who are the defendants 1 to 7 in the Suit. If the present Suit is really vexatious or an abuse of process of law, the revision petitioners can very well approach the Trial Court under Order VII Rule 11 or they can put



forth their case during the 1st hearing before the Trial Court. Without adopting such a method, directly they have approached this Court under Article 227 of the Constitution of India, 1950, that too without filing the plaint documents.

11. *Prima facie*, this Court is of the view that while the seventh respondent - trust had earlier filed a Suit for declaration and permanent injunction which was eventually dismissed on appeal, the present Suit has been filed under Order I Rule 8 under representative capacity stating that the respondents 1 to 6 / plaintiffs and the Villagers are the worshippers of the Suit temple and the Suit temple is situated in a *poromboke* land. Whether the respondents 1 to 6 / plaintiffs are worshippers of Suit temple, whether the Suit temple is situated in a *poromboke* land as alleged by the respondents 1 to 6 / plaintiffs or in patta land as alleged by the seventh respondent - trust / eight defendant, all these questions are to be decided in this case. The aforesaid questions cannot be decided without plaint, plaint documents and without conducting an enquiry under Order X of CPC. In these circumstances, this Court is of the view that this is not a fit case to exercise the power under Article 227 of the Constitution of India, 1950 to strike off the plaint.



WEB COPY



C.R.P. NO.1608 OF 2022

12. Resultantly, this Civil Revision Petition is dismissed.

Considering the facts and circumstances of the case, there shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is closed.

24 / 02 /2026

Index : Yes
Speaking Order : Yes
Neutral Citation : Yes
pam/TK

To

The III Additional District Munsif Court,
Coimbatore.



WEB COPY



C.R.P.NO.1608 OF 2022

R. SAKTHIVEL, J.

pam/TK

PRE-DELIVERY ORDER MADE IN
C.R.P.NO.1608 OF 2022

24 / 02 / 2026

Page No.10 of 10