



WEB COPY

CRP No. 2373 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

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

CRP No. 2373 of 2026

and

CMP.No.10226 of 2026

R.Raghu
S/o.Ramasamy,
No.21/45 Subadral Street,
Tirplicane,
Chennai 600 005.

..Petitioner(s)

Vs

L.S.Vasudevan
S/o.L.D.Subramania Rao,
Old No.28 New No.38,
Azizuddin Khan Bahadur Street,
1st Lane,
Triplicane,
Chennai 600 005.

..Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the Fair and Decreetal order dated 16.3.2026 made in IA.No.5/2026 in OS.No. 5591/2025 on the file of XVI Assistant Court, City Civil Court at Chennai.

For Petitioner(s):

MR.A.M.Krishnamoorthy

**ORDER**

Challenging the impugned order passed in I.A. No. 5 of 2026 in O.S. No. 5591 of 2025 dated 16.03.2026 on the file of the XVI Assistant Judge, City Civil Court, Chennai, the defendant has preferred the present revision.

2. Before the Trial Court, the defendant filed an application seeking rejection of the plaint, contending that during the pendency of the suit, the plaintiff/landlord had sold the suit property to a third party. Therefore, as on date, the plaintiff is no longer the owner of the property and is not entitled to proceed with the suit in O.S. No. 5591 of 2025, wherein he has sought recovery of possession and other consequential reliefs, including damages against the defendant/revision petitioner.

3. The said application was dismissed by the Trial Judge, holding that the suit had been filed for recovery of possession from a tenant and also observed that, although the plaintiff had sold the property to a third party during the pendency of the suit, he is still entitled to recover possession from the tenant and hand over the same to the purchaser, in terms of the agreement between them. Therefore, the Trial Court held that the suit is maintainable and dismissed the application. Aggrieved thereby, the present revision has been filed.



4. The learned counsel for the revision petitioner submitted that the plaintiff/respondent has admitted that the property was sold to a third party on 15.12.2025 during the pendency of the suit. Such admission clearly establishes that the plaintiff is no longer the owner of the property and, therefore, is not entitled to maintain the suit.

5. It is an admitted fact that, during the pendency of the suit proceedings, the plaintiff sold the property. However, it is also evident that the plaintiff has an understanding with the purchaser to hand over possession of the property. Therefore, the plaintiff is entitled to continue the suit for recovery of possession and to hand over the same to the purchaser.

6. The reasoning assigned by the Trial Judge does not warrant interference. The suit was validly instituted, and the subsequent sale of the property during the pendency of the proceedings does not render the suit non-maintainable. It is settled law that an application for rejection of plaint must be decided only on the basis of the averments made in the plaint and not on subsequent events or defence taken by the defendant.

7. Therefore, the grounds raised by the defendant for rejection of the plaint are not sustainable.



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T.V.THAMILSELVI, J.

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8. Accordingly, the Civil Revision Petition is dismissed. Liberty is granted to the revision petitioner to raise all defences before the Trial Court and also directed to deposit the admitted rent to the Court without fail. The Trial Court is directed to dispose of the suit within a period of three months. No costs. Consequently, the connected miscellaneous petition is closed.

20-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MPA

To

1. The XVI Assistant Court, City Civil Court, Chennai.
2. The Section Officer, V.R.Section, High Court, Madras.

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and CMP.No.10226 of 2026**