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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CRP Nos.2201 and 2202 of 2025 and
CMP Nos.12787 and 12790 of 2025**

1. Velmurugan
2. Nithaya Devi
3. Ishwarya
4. Mohanapriya

... Petitioners
in both CRPs

Vs.

K.Saravanan

... Respondent in
CRP No.2201 of 2025

S. Kannammal

... Respondent in
CRP No.2202 of 2025

Prayer in CRP No.2201 of 2025: Civil Revision Petition is filed under Article 227 of Constitution of India to strike of the plaint filed by the respondent in O.S.No.99 of 2024 on the file of District Munsiff Court, Kumarapalayam by allowing the civil revision petition.

Prayer in CRP No.2202 of 2025: Civil Revision Petition is filed under Article 227 of Constitution of India to strike of the plaint filed by the respondent in O.S.No.100 of 2024 on the file of District Munsiff Court, Kumarapalayam by allowing the civil revision petition.

For Petitioner(s) : Mr.K.S.Jeyaganeshan

For Respondent(s) : Mr.M.Guruprasad



COMMON ORDER

These civil revision petitions have been filed seeking rejection of plaint in O.S.No.99 and 100 of 2024 filed by the respective respondent.

2. According to the respondent/plaintiff in both suits, the suit property was purchased by them by a registered sale deed dated 28.12.2023 from the petitioners/defendants through their power agent Radhamani. It is the specific case of the plaintiffs that the petitioners/defendants were the original owners of the suit property and they executed a power of attorney in favour of Radhamani on 22.05.2023 and pursuant to the said power deed, she executed a sale deed in favour of the plaintiffs. Therefore, the petitioners/defendants cannot question the plaintiffs' right over the suit property. Since the defendants attempted to interfere with the possession of the plaintiffs in the suit property, due to misunderstanding with the above said power of attorney, the above suits have been filed by the respondent/plaintiff seeking declaration and permanent injunction.

3. It is seen from the averments made in the complaints that the petitioners/defendants cancelled the power of attorney deed executed in favour of Radhamani, vide cancellation deed dated 26.09.2024. It is further claimed by the plaintiffs that after the sale of the suit property in their favour, the

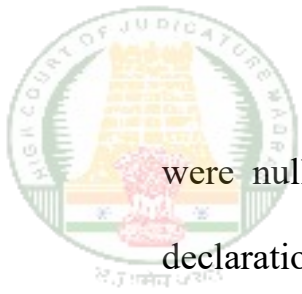


defendants are not entitled to cancel the power deed executed in favour of Radhamani, in respect of the sold out property. Therefore, the respondent/plaintiff sought for a declaration that the cancellation of power deed dated 26.09.2024 by the petitioners, cancelling the power given to Radhamani was null and void.

4. After receipt of summons in both the suits, the defendants have come before this court with these revisions seeking to strike off the plaints.

5. The learned counsel for the petitioners would vehemently contend that the petitioners/defendants instituted another suit in O.S.No.98 of 2024 seeking declaration that the sale deeds executed in favour of the respondents/plaintiffs were null and void and for other reliefs. However, in the instant plaints filed by the respondents/ plaintiffs, they failed to make averments regarding the suit filed by the petitioners/defendants. The learned counsel would further submit that instituting a parallel proceedings, that too without mentioning the earlier suit filed by the petitioners would amount to abuse of process of the court and therefore, the plaints file by the respondents/plaintiffs shall be struck off.

6. In the suit in O.S.No.98 of 2024 filed by the petitioners, they prayed for declaration that the sale deeds executed in favour of the respondents herein



were null and void. The respondents herein filed the instant suits seeking declaration that the cancellation of power deed executed in favour of Radhamani was null and void and for consequential injunctions. It is the specific case of the respondents that the petitioners/defendants attempted to interfere with their possession by questioning their sale deed. Merely because the petitioners filed a suit in O.S.No.98 of 2024 for declaration questioning the title documents of the respondents/plaintiffs, we cannot say that the respondents are not entitled to maintain a suit for declaration and injunction. According to the respondents/ plaintiffs, the petitioners/ defendants attempted to interfere with their possession over the suit property and based on the said cause of action, they filed the instant suits. Whether the cause of action alleged by them are true or not is a matter to be decided at the time of final disposal, based on evidence. Therefore, these are all not the cases, against which, the supervisory power could be invoked. Further, non mentioning of the another suit filed by the petitioners cannot be the basis for rejection of plaint filed by the respondents. Whether non mentioning of the suit filed by the petitioners/defendants will have an impact on final outcome of the suit filed by the respondents/plaintiffs is a matter to be decided by the Trial Court by taking into consideration the entire evidence available on record. Therefore, the petitioners have not made out any case for striking off the plaint filed by the respondents/plaintiff and hence, the civil revision petitions are liable to be dismissed.



7. Accordingly, both the civil revision petitions are dismissed. It is made clear that dismissal of the civil revision petitions will not prevent the petitioners from filing their written statement, raising all the points raised in this civil revision petition as defense. There shall be no order as to costs. Connected miscellaneous petitions are closed.

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

MST

To

The District Munsif, Kumarapalayam.



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S.SOUNTHAR, J.

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