



C.R.P.No.2607 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.2607 of 2025
and C.M.P.No.14752 of 2025

J.Anand

... Petitioner

vs.

1.Geetha

2.T.C.Gangadharan

3.The Joint Sub Registrar – 1
Joint Sub Registrar Office,
Cheyyar, Thiruvannamalai District.

4.The District Registrar,
District Registrar Office,
Cheyyar, Thiruvannamalai District.

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike off the plaint in O.S.No.260 of 2024 on the file of the Additional District Judge/FTC Court, Arni, Thiruvannamalai District.

For Petitioner : Mr.C.Prakasam

For R1 : Mr.K.G.Senthilkumar

For R3 and R4 : Mr.N.Muthuvel
Government Advocate (CS)

For R2 : No Appearance



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ORDER

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The Civil Revision Petition is filed seeking to strike of the plaint in O.S.No.260 of 2024 on the file of the Additional District Judge/FTC Court, Arni, Thiruvannamalai District filed by the 1st respondent/wife.

2. The 1st respondent/plaintiff herein filed a suit in O.S.No.260 of 2024 seeking declaration that the Suit-B Schedule Property belong to her and for permanent injunction. She also sought for a declaration that the decree for Specific Performance obtained by petitioner herein/2nd defendant against the 2nd respondent in O.S.No.15 of 2017 was vitiated by fraud and for a further declaration that Sale Deed executed by Court in favour of the petitioner/2nd defendant was null and void. She also seeks a declaration that the delivery receipt executed in favour of petitioner/2nd defendant in the execution proceedings pursuant to the above decree is also null and void.

3. The learned counsel appearing for the petitioner would submit that the petitioner/2nd defendant filed a suit for Specific Performance in O.S.No.15 of 2012 against the 2nd respondent/1st defendant on 27.06.2012. During the pendency of the said suit, the 2nd respondent settled the property



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in favour of the 1st respondent/plaintiff, who is none other than his wife.

Therefore, the sale in favour of the 1st respondent is hit by doctrine of *lis pendens*. In such circumstances, the 1st respondent is not entitled to maintain a suit seeking declaration of her title and other reliefs mentioned above.

4. If it is the case of the petitioner that the present suit filed by the 1st respondent is barred by any law or the suit prayer is based on illusory cause of action, he has got effective alternative remedy of filing an appeal before the Trial Court seeking rejection of the plaint under Order 7 Rule 11 of the Code of Civil Procedure.

5. When the petitioner has got effective alternative remedy before the Trial Court, he is not entitled to rush to this Court by invoking the power under supervisory jurisdiction as laid down by the Hon'ble Apex Court in ***Virudhunagar Hindu Nadargal Dharma Paribalana Sabai and others vs. Tuticorin Educational Society and others*** reported in ***MANU/SC/1365/2019***. The Hon'ble Apex Court in the above said decision categorically held that availability of remedy before the regular Civil Court is a near total bar for exercise of supervisory jurisdiction by this Court under Article 227 of the Constitution of India.



6. The Hon'ble Apex Court in a recent decision in ***P.Suresh vs. D.Kalaivani and others*** reported in **2026 INSC 121** following the above said decision in ***Virudhunagar Hindu Nadargal Dharma Paribalana Sabai*** case and categorically held that when effective alternative remedy is available before the Trial Court under Order 7 Rule 11 of the Code of Civil Procedure, the parties are not entitled to invoke the supervisory jurisdiction of this Court under Article 227 of the Constitution of India. The relevant observation of the Apex Court reads as follows:-

“9. From the aforesaid discussion, it would logically follow that the High Court would not only discourage but desist from exercising jurisdiction under Article 227 of the Constitution in respect of a challenge for which a separate, distinct, and specific remedy or statutory provision is available under the statute concerned. Availability of an alternative civil remedy and/or under the CPC shall be treated as complete and near total bar on the High Court to venture to invoke and exercise its power available under Article 227 of the Constitution, except where exercise of supervisory jurisdiction becomes absolutely necessary.

10. For all the aforesaid reasons and discussions, this court is of the view that High Court committed a manifest error in exercising its powers under Article 227 of the Constitution to strike down the plaint. It ought to have asked the defendant to take recourse to, in accordance with law, when specific



provisions available in the Code of Civil Procedure, 1908 in the nature of Order VII Rule 11. The impugned judgment and order of the High Court, therefore, deserves to be set aside.”

7. In view of the law settled by the Apex Court in the above said decisions, this Court is not entitled to exercise the supervisory jurisdiction under Article 227 of the Constitution of India.

8. Accordingly, the Civil Revision Petition stands dismissed with liberty to the petitioner to file an application under Order 7 Rule 11 of the Code of Civil Procedure before the Additional District Judge/FTC Court, Arni, Thiruvannamalai District. No costs. Consequently, the connected civil miscellaneous petition is closed.

26.02.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

The Additional District Judge/FTC Court,
Arni, Thiruvannamalai District.



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S.SOUNTHAR, J.

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