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CRP No. 4125 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON :	08.04.2026
PRONOUNCED ON :	30.04.2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CRP No. 4125 of 2022

and

C.M.P.No.21463 of 2022

Palayan (Died)

1. Mohanasundari D/o. Palayan, No. 3, Ellamman Koil Street, East Ayanambakkam, Chennai - 600 095.
2. Usha
D/o. Palayan, N. 573, James Complex, Railway station road, Putlur, Tiruallur Taluk and District.
3. Murali
S/o. Palayan, No. 4, Ellamman Koil Street, East Ayanambakkam, Chennai - 600 095.
4. Ellammal
D/o. Palayan, No. 4, Ellamman Koil Street, East Ayanambakkam, Chennai - 600 095.
5. Venkatesan
S/o. Palayan, No. 4, Ellamman Koil Street, East Ayanambakkam, Chennai - 600 095.
6. Ramu
S/o. Palayan, No. 4, Ellamman Koil Street, East Ayanambakkam, Chennai - 600 095.
7. Lakshmi
D/o. Palayan, No. 4, Ellamman Koil Street, East Ayanambakkam, Chennai - 600 095.



(Petitioners 1 to 7 are represented by their
Power Agent R.C. Harsha Vardhan, No. AK.
40, TAS Enclave, 10th Main Road Ext, Shanthi
Colony, Anna Nagar, Chennai - 600 040)

(Cause title accepted and petitioners are
represented by their Power of Attorney Agent
Mr.R.C.Harsha Vardhan vide Court order dated
28.11.2022 made in C.M.P.Nos.20227 &
20229/2022 in C.R.P.Sr.No.120287/2022)

..Petitioner(s)

Vs

1. V. Chandrasekar
S/o. varadarajulu, No. 2-A, Agraharam Street,
East Ayanambakkam, Chennai - 600 095.
2. V. Dillibabu
S/o. varadarajulu, No. 2-D, Agraharam Street,
East Ayanambakkam, Chennai - 600 095.
3. V. Balakrishnan
S/o. varadarajulu, No. 2-C, Agraharam Street,
East Ayanambakkam, Chennai - 600 095.
4. V. Sundaramurthy
S/o. varadarajulu, No. 2-D, Agraharam Street,
East Ayanambakkam, Chennai - 600 095.
5. V. Anandan
S/o. Varadarajulu, No. 2-D, Agraharam Street,
East Ayanambakkam, Chennai - 600 095.
6. Govindammal @ Rubini
D/o. varadarajulu, No. 3/13, 2-D, Agraharam
Street, East Ayanambakkam, Chennai - 600
095.
7. Kasthuri
D/o. Varadarajulu, No. 2-A, Agraharam Street,
East Ayanambakkam, Chennai - 600 095.
(Respondents 1 to 7 are represented by their
Power Agent S. Sathyanarayanan, No. 52/44,



Perumal Koil Street, East Ayanambakkam,
Chennai - 600 095)

8. Bhuvaneswari

W/o. V. Devaraj, Agraharam Street, Ellamman
Koil Street, East Ayanambakkam, Chennai -
600 095. Chennai - 600 095.

..Respondent(s)

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, praying to strike off the plaint in OS.No. 32 of 2017 on the file of the District Munsif Court, Poonamallee.

For Petitioner(s): Mr.M.Karthikeyan

For Respondent(s): Mr.M.V.Seshachari
(For RR1 to R7)
R8 – Not ready in notice

ORDER

The present revision petition has been filed to strike off the plaint in OS.No. 32 of 2017 on the file of the District Munsif Court, Poonamallee.

2. Heard Mr.M.Karthikeyan, learned counsel for the petitioners and Mr.M.V.Seshachari, learned counsel for the respondents 1 to 7.

3. The learned counsel appearing for the petitioners would submit that the respondents 1 to 7 had initiated a suit for declaration of their title in the suit property and for recovery of possession of the same. He would submit that the petitioners herein are the children of one Komala, who had purchased the



property from the 8th respondent, who had been benefited with the property by way of a partition among her siblings, registered as Document No.1778 of 1986.

He would submit that the respondents 1 to 7 are the legal heirs of one of the brothers of the 8th respondent, who was also a party to the partition, and suppressing the partition deed to which their father was a party, had instituted the present suit.

4. He would further submit that the 6th and 7th respondents, who are the daughters of the said Varadharajulu, had also earlier instituted a suit against their father for selling the property, contending that they have a right in the property and that the property was sold during their minority. This would itself indicate that the partition deed between the 8th respondent and her brother, one of whose legal heirs are respondents 1 to 7, had been acted upon, and that they have attempted to interfere with the right, title and possession of the property of the petitioners only to extract money from them, taking into consideration that the value of the property had enhanced over the years. He would submit that the respondents 1 to 7, without any cause of action whatsoever, had instituted the suit only to fraudulently extract money from the petitioners, and hence he seeks indulgence of this Court to strike off the plaint.

5. Countering his arguments, the learned counsel appearing for the respondents 1 to 7/plaintiffs would submit that the present revision to strike off



the **plaint** is wholly without merits. He would submit that when the petitioners themselves admit that the suit property had originally belonged to the predecessor-in-interest of the respondents, and that the property was subject to a partition, without substantiating that the said partition was valid and that under such partition the 8th respondent had been vested with title, the petitioners cannot claim that the 8th respondent had valid title pursuant to the said partition and therefore the sale by the 8th respondent in favour of the petitioners' mother was a valid sale.

6. He would further submit that these are all triable issues and that the suit is not a re-litigation or an abuse of process of Court, and that such rights could only be decided in the suit.

7. That apart, relying upon the recent judgments of the Hon'ble Supreme Court of India, in the case of ***P.Suresh Vs. D.Kalaivani and others reported in 2026 SCC OnLine SC 143***, and in the case of ***K.Valarmathi and others, Vs. Kumaresan***, reported in ***2025 SCC OnLine SC 985***, he would further submit that if the suit is struck off by this Court in exercise of jurisdiction under Article 227, the valuable right of appeal available to the respondents would be lost, and therefore it would be proper for the petitioners to take out an application under Order VII Rule 11 CPC to reject the plaint. Hence, he seeks dismissal of the revision petition.



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8. I have considered the submissions made by the learned counsel appearing on either side and perused the materials available on record.

9. Even though the learned counsel appearing for the petitioners had canvassed the merits of the suit, it is to be noted that the Hon'ble Apex Court, in the judgment referred to *supra*, has held that the High Court should be cautious in exercising its powers under Article 227 to strike off the plaint. For better appreciation, the relevant paragraphs of the above said judgments are extracted hereunder:

(a) In the case of ***P.Suresh Vs. D.Kalaivani and others*** reported in **2026 SCC OnLine SC 143**, the relevant paragraphs are 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



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

(b) In the case of ***K.Valarmathi and others, Vs. Kumaresan***, reported in **2025 SCC OnLine SC 985**, the relevant paragraphs are as follows:

“10. Civil Procedure Code is a self-contained Code and Order VII Rule 11 therein enumerates the circumstances in which the trial court may reject a plaint. Such rejection amounts to a deemed decree which is appealable before the High Court under Section 96 of the Code. This statutory scheme cannot be upended by invoking supervisory jurisdiction of the High Court under Article 227 to entertain a prayer for rejection of plaint.

11. In the present case, High Court has supervened the provisions of the Code when it rejected the plaint on the ground it was barred by law. In doing so, the High Court not only substituted itself as the court of first instance but also rendered nugatory a valuable right to appeal available to the appellant had the issue been adjudicated by the trial court in the first place.

12. We are conscious appellate remedy against rejection of plaint is not available if the High Court had in its revisional jurisdiction reversed the order of trial court and rejected the plaint. In *Frost (International) Ltd. v. Milan Developers*⁷, this Court observed as follows:—

“31. No doubt rejection of a plaint is a decree within the meaning of Section 2(2) CPC and an



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appeal lies from every decree passed by any court exercising original jurisdiction to the court authorised to hear appeals from a decision of such court. However, it must be borne in mind that when a Revisional Court rejects a plaint, in substance, an application filed under Order 7 Rule 11 is being allowed. Under such circumstances, the remedy by way of a writ petition under Article 227 of the Constitution could be availed and Respondent 1/the plaintiff has resorted to the said remedy in the instant case; although if the plaint had been rejected by the trial court i.e. court of original jurisdiction, it would have resulted in a right of appeal under Section 96 CPC.”

13. These observations in Frost (supra) are not relevant for the matter in issue as the High Court in the present case had not exercised its supervisory power to correct a jurisdictional error of the trial court but usurped its original jurisdiction to reject the plaint.

14. Procedural law provides the necessary legal infrastructure on which edifice of rule of law is built. Short-circuiting of procedure to reach hasty outcomes is an undesirable propensity of an overburdened judiciary. Such impulses rendering procedural safeguards and substantive rights otiose, subvert certainty and consistency in law and need to be discouraged.

15. Similar issue fell for decision in Jacky v. Tiny @ Antony⁸ when a tenant (non-party to the suit) prayed for rejection of an alleged collusive suit between the legal heirs of his erstwhile landlord and the new purchaser under Article



226/227. *Deprecating invocation of constitutional powers in a landlord-tenant dispute, the Court observed-*

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“15. ...If a suit is not maintainable it was well within the jurisdiction of the High Court to decide the same in appropriate proceedings but in no case power under Articles 226 and 227 of the Constitution of India can be exercised to question a plaint.”

10. For the aforesaid reasons, without entering into the merits as canvassed by the petitioners, liberty is granted to the petitioners to take out an application under Order VII Rule 11 CPC to canvass their case on merits. Accordingly, the present revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

30-04-2026

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

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To

The District Munsif Court,
Poonamallee.



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K.KUMARESH BABU, J.

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