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C.R.P. NO.3714 OF 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDER RESERVED ON : 04 / 12 / 2025

ORDER PRONOUNCED ON: 24 / 02 / 2026

CORAM:

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

C.R.P. NO.3714 OF 2022

AND

C.M.P. NO.19636 OF 2022

P.Thulasipillai,
S/o.Ponnusamy Pillai,
No.61, Panaiyur Village and Post,
Cheyyur Taluk,
Changalpattu District – 603 302.

... Petitioner/Defendant

Vs.

1.Manivannan,
S/o.Arumugam

2.Arumugam,
S/o.Kuppan,
Both are residing at
Panaiyur Village and Post,
Cheyyur Taluk,
Changalpattu District – 603 302.

...Respondents/Plaintiffs

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, 1950, praying to strike off the plaint in O.S. No.35 of 2022 on the file of the District Munsif cum Judicial Magistrate Court, Cheyyur.

For Petitioner	:	Mr.R.Suriya Prakash
For Respondents-1 & 2	:	Mr.S.Sriram for Mr.K.Govi Ganesan



ORDER

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.35 of 2022 on the file of 'the District Munsif cum Judicial Magistrate Court, Cheyyur' [hereinafter referred to as 'Trial Court'] by the Defendant therein.

2. The Petitioner herein is the Defendant in the Suit in O.S.No.35 of 2022. The Respondents herein are the Plaintiffs therein. For the sake of convenience, the parties will be referred to as per their array in the Original Suit.

3. The Plaintiffs filed the Original Suit against the Defendant seeking a decree of permanent injunction and a decree declaring the alleged Cancellation Deed dated October 04, 2017 [Document No.2113 of 2017, Sub-Registrar Office, Cheyyur] executed by the Plaintiffs cancelling the Sale Deed dated July 04, 2008, as null and void.

4. The case of the Plaintiffs is that the suit properties originally belonged to one Meenakshi Ammal and one Selvaraj. They executed a General Power of Attorney Deed in favour of Arumugam (second plaintiff). Thereafter, the Power of Attorney Holder / second Plaintiff sold the Suit Properties to the first Plaintiff on February 20, 1994. Before the



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execution of the Sale Deed itself, the Plaintiff's family was in possession and enjoyment of the Suit Properties under the Sale Agreement dated February 20, 1994 renewed on May 26, 2004. The Defendant in order to extract money from the Plaintiffs and usurp the Suit Properties, with the influence of police, forcefully obtained the Cancellation Deed from the Plaintiffs on October 04, 2017. The said Cancellation Deed is void. While so, the Defendant made an attempt to interfere with the Plaintiffs' peaceful possession and enjoyment of the suit properties on June 24, 2020 and once again on July 25, 2020. Hence, the Plaintiffs filed the Suit seeking permanent injunction against Defendant and also declaration that the Cancellation Deed dated October 04, 2017 is null and void.

5. The case of the Defendant is that the Suit Properties were allotted to the Defendant in a family partition held in the year 1995, pursuant to which, the Defendant is in possession and enjoyment thereof. Revenue records in respect of the Suit Properties stand in the name of the Defendant. Plaintiff does not disclose any cause of action. The Suit is a clear abuse of process of law. Accordingly, the Defendant sought to strike off the plaint in O.S. No.35 of 2022.



6. Mr.R.Suriya Prakash, learned Counsel for the Revision

Petitioner / Defendant would submit that the Plaintiff falsely obtained Sale Deed dated July 04, 2008 in respect of the Suit Properties. Subsequently, he himself cancelled the same *vide* Cancellation Deed dated October 04, 2017. However, now the Plaintiff is falsely contending that the Cancellation Deed was obtained by the Defendant without his valid consent. He would further submit that the plaint does not disclose any cause of action. The Suit is an abuse of process of law filed only with a view to harass the Defendant. Stating so, he would pray to allow the Civil Revision Petition, invoke Article 227 of the Constitution of India and strike off the plaint.

7. *Per contra*, Mr.S.Sriram learned Counsel appearing for Mr.K.Govi Ganesan, learned Counsel on record for the Respondents / Plaintiffs would reiterate the plaint averments and submit that the Plaintiff purchased the Suit Properties *vide* Sale Deed dated July 4, 2008 and was in peaceful enjoyment thereof. But the Defendant misused his influence with police and obtained the Cancellation Deed dated October 04, 2017. Hence, the Plaintiff left with no other option approached the Court seeking a declaration that the Cancellation Deed is null and void. The Civil Revision



Petition does not have any merits. Accordingly, he would pray to dismiss the Civil Revision Petition. He would rely on ***K.Valarmathi -vs- Kumaresan***, reported in ***2025 SCC Online SC 985*** in support of his submission.

8. This Court has considered both sides' submissions and perused the materials available on record.

9. The Plaintiffs case is that originally the Suit Properties belonged to one Selvaraj and one Meenakshi Ammal. They executed a Power of Attorney in favour of the second Plaintiff - Arumugam, who in turn, executed a Sale Deed in favour of first Plaintiff on July 04, 2008. The first Plaintiff put up construction in the Suit Properties and is residing therein. While so, the Defendant with the help of police officials, forcibly obtained a Cancellation Deed cancelling the Sale Deed dated July 4, 2008. Hence the Suit.

10. According to the first Plaintiff, he is in possession and enjoyment of the Suit Properties and he filed the Suit seeking a declaration that the Cancellation of Sale Deed is null and void. *Prima facie*, the plaint discloses a cause of action. Whether the cause of action pleaded by the



Plaintiffs is true or not cannot be decided under Article 227 of the Constitution of India, 1950, that too in the absence of plaint documents.

11. The Hon'ble Supreme Court in ***T. Arivandandam -vs- T.V.Satyapal*** reported in (1977) 4 SCC 467 has held that the 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, 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, the 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.

12. Further, this Court deems fit to cite here the Judgment in ***K.Valarmathi's Case*** [cited *supra*], wherein the Hon'ble Supreme Court cautioned that the supervisory power of High Court under Article 227 of the Constitution of India, 1950 must be used sparingly. It was further held that the statutory scheme under Order VII Rule 11 of Code of Civil Procedure, 1908 cannot be circumvented by invoking the High Court's supervisory jurisdiction under Article 227 of the Constitution of India, 1950 to entertain a plea for rejection of the plaint, unless the facts and



circumstances really warrant such interference to prevent grave injustice.

Relevant portion reads as hereunder:

'8. Power of the High Court under Article 227 is supervisory and is exercised to ensure courts and tribunals under its supervision act within the limits of their jurisdiction conferred by law. This power is to be sparingly exercised in cases where errors are apparent on the face of record, occasioning grave injustice by the court or tribunal assuming jurisdiction which it does not have, failing to exercise jurisdiction which it does have, or exercising its jurisdiction in a perverse manner.

9. Essence of the power under Article 227 being supervisory, it cannot be invoked to usurp the original jurisdiction of the court which it seeks to supervise. Nor can it be invoked to supplant a statutory legal remedy under the Civil Procedure Code, 1908. For example, existence of appellate remedy under Section 96 of the Code operates as a near total bar to exercise of supervisory jurisdiction under Article 227.

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.'

13. In light of the afore-cited Judgments, if the present Suit is really vexatious or an abuse of process of law, the Defendant can very well approach the Trial Court under Order VII Rule 11 of Code of Civil Procedure, 1908 and seek rejection of plaint, or he can put forth their case during the 1st hearing before the Trial Court urging to shoot down the Suit. Without adopting such a method, directly the Defendant has approached this Court under Article 227 of the Constitution of India, 1950, that too without filing the plaint documents and the same cannot be entertained. Moreover, this Court is of the *prima facie* view that there is a triable issue in this Suit and hence, trial is necessary. 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. There is no merit in this Civil Revision Petition.



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14. 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.

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Index : Yes
Speaking Order : Yes
Neutral Citation : Yes
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To

The District Munsif cum Judicial Magistrate Court
Cheyyur.



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R. SAKTHIVEL, J.

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Pre-delivery Order made in
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