



WEB COPY

CRP No. 4459 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2026

CORAM

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

CRP No. 4459 of 2025 & CMP.No.22786 of 2025

R.Muthukrishnan Alais Ashwin Muthukrishnan
Rep by his Power Agent L.Suresh No.9, (Old
No.2), Krishnaswamy Avenue, Mylapore, Chennai
600 004

..Petitioner(s)

Vs

1. Sugavanam Vijayakumar
No.12/8A, Shagun Villa, Yogambal Street,
T.Nagar, Chennai 600 017
2. Seetha Muthukrishnan
No.9, (Old No.2), Krishnaswamy Avenue,
Mylapore, Chennai 600 004
3. Kripa Chandrakanthan
No.9, (Old No.2), Krishnaswamy Avenue,
Mylapore, Chennai 600 004
4. Karthik Krishnan
No.9, (Old No.2), Krishnaswamy Avenue,
Mylapore, Chennai 600 004
5. L.Suresh
POA for 2nd, 3rd and 4th Defendants Anandha,
No.7, Bhaskarapuram, Mylapore, Chennai
600004

..Respondent(s)

Prayer : Civil Revision Petition filed under Article 227 of Constitution of India
to set aside the order dated 14-08-2025 in IA.No.4 of 2025 in OS.No.4029 of



2024 dated 14.08.2025 by the Learned XI Assistant City Civil court, Chennai.

For Petitioner(s): Mr.K.Harishankar
For Mr.M.R.Ramasubramaniam Raja

For Respondent(s): Mr.G.V. Sridharan FOR R1

ORDER

Challenging the Order passed by the trial Court in I.A.No.4 of 2025 in O.S.No.4029 of 2024, the present Civil Revision Petition has been filed by the first defendant.

2. The first respondent/plaintiff filed the suit for declaration that the defendants 1 to 5 had agreed to pay 10% of the principal recovered through the acts of the plaintiff and 15% on the recovery of the GST amount as per the MOU negotiated with the developer Mr.Sumanth Subramanian of M/s,Sumanth and Co. by the defendants 1 to 5 is valid and consequential permanent injunction. Pending suit, the first defendant had filed an application to strike off the plaint. Considering the submissions of both sides, the trial Court, holding that the defendant ought to have filed a petition under Order 7 Rule 11 CPC to reject the plaint and that the Court cannot strike off the whole pleadings on an application filed under Order 6 Rule 16 CPC which would indirectly amount to rejection of the plaint and only particular portion in pleadings, if it is



found to be scandalous, frivolous or vexatious or delay the trial or otherwise abuse of process of law alone can be struck off, dismissed the application.

Aggrieved over the same, the present revision has been preferred by the revision petitioner.

3. The learned counsel appearing for the petitioner would argue that the agreement relied by the plaintiff is nothing but an agreement of champerty which is against the public policy and as such he cannot maintain such a prayer and hence, he had filed an application to strike off the plaint. But the trial Court had erroneously dismissed the application, which has to be set aside.

4. Whereas, it is the contention of the learned counsel appearing for the first respondent that there are various terms agreed between the plaintiff and the defendants and since there is breach of terms of the agreement, he had filed the suit before the trial Court and if at all the defendants want to establish their stand, they ought to have filed written statement and all the aspects pleaded by the parties can be decided only after full fledged trial. Hence, prayed to dismiss this revision.

5. A perusal of records reveal that the plaintiff had filed the suit for declaration and consequential injunction. During the pendency of the suit, the first defendant had filed an application to strike off the pleadings under Order 6



Rule 16 CPC. Therefore, the trial Court had rightly observed that entire pleading cannot be struck off on an application filed under Order 6 Rule 16 CPC. which meant for specific pleadings and it indirectly amounts to rejection of the entire plaint and to strike of the entire pleadings he had to file an application to reject the plaint under Order 7 Rule 11 CPC. Hence, this Court finds no merits in this revision. The petitioner can either file an application under Order 7 Rule 11 CPC or file the written statement with all defences and get along with the trial. Since some of the parties are aged above 70 years, the trial Court is directed to dispose of the suit in O.S.No.4029 of 2024 within a period of four months from the date of receipt of a copy of this Order.

6. With the above directions, this Civil Revision Petition is dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

17-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

vrc

To

The XI Assistant Judge,
City Civil Court, Chennai.



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T.V.THAMILSELVI, J.

VRC

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