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CRP No. 4962 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 4962 of 2025

1. V.Dineshkumar
No.1A, Pandurangan Kovil Street,
Najundapuram, Ramanathapuram Village,
Coimbatore - 641 036.

Petitioner(s)

Vs

1. J.R.Gobikrishnan
S/o. Jayaraman, 10, Marutha Nagar,
Extension, Thondamuthur Road, Linganur,
Vadavali, Coimbatore 641 041.

2.P.I. Ibrahim
S/o. P.M. Ismayl, No.1, Vennal Naidu
Street, No.1, Kottai, Coimbatore - 641 001.
R.Vijaya Kumar (Died)

Respondent(s)

Civil Revision Petition filed under Article 227 of the Constitution of India to
strike off the plaint in O.S.No.621 of 2018 on the file of V Additional District Court,
Coimbatore.

For Petitioner(s): M/s.M.Shankar

For Respondent(s): Mr.L.Chandrakumar
For R.1
Mr.K. Govi Ganesan For R.2



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ORDER

The revision petitioner is the second defendant in the suit. He filed a petition to strike of the plaint in O.S.No.621 of 2018 stating that there is no cause of action and the prayer sought for by the plaintiffs is unsustainable for the reason that the alleged sale agreement dated 09.10.2004 relied on by the plaintiffs is already redundant by entering into another Joint Business Development Agreement dated 24.08.2007, thereafter, Memorandum of Understanding dated 25.05.2017, thereby, the alleged sale agreement relied on by the plaintiff dated 09.10.2004, as such, is not in force. In such circumstances, the suit filed by the plaintiff seeking the relief of specific performance, as per the alleged sale agreement dated 09.10.2004, as such, is illegal and there is no cause of action to file the suit and therefore, the revision petitioner prays to strike off the plaint.

2. Learned counsel for the revision petitioner submits that the plaintiffs have sought not only for specific performance but also sought the relief for partition, which is not maintainable, since two different reliefs cannot be sought for in one suit.

3. Learned counsel for the respondents/plaintiffs submits that various transactions have taken place between the parties through the agreement, Joint Business



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Development Agreement and Memorandum of Understanding, but the parental document is of the year 2004. Therefore, the suit, as such, is maintainable. Learned counsel for the 2nd respondent relied on the decision of the Hon'ble Supreme Court in the case of ***P.Suresh vs D.Kalaivani and Others*** reported in ***2026 SCC Online SC 143***.

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

5. With regard to the transactions between the parties, the respondents/plaintiffs have to file a suit. As rightly pointed out by the learned counsel for the petitioner, in the year 2004, there was an agreement and subsequently another Joint Business Development Agreement was entered into on 24.08.2007 and Memorandum of Understanding was dated 25.05.2017. The alleged agreement dated 09.10.2004, based on which, the respondents/plaintiffs now claim the relief of specific performance is already given up. Liberty is granted to the revision petitioner/2nd defendant to approach the trial court by filing a petition to reject the plaint under Order VII Rule 11 of Civil Procedure Code. The decision relied on by the learned counsel for the second respondent is sustainable.



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sr

6. In the light of the above, this Court is not inclined to strike off the plaint. Liberty is granted to the revision petitioner to approach the trial court by filing a petition to reject the plaint. On filing such petition, the trial court is directed to dispose of the same on merits and in accordance with law within a period of three months from the date of filing of the petition.

7. With the above direction, the civil revision petition is dismissed. No costs.

01.04.2026

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Index:yes/no

Website:yes/no

Speaking Order/Non-speaking order

To

V Additional District Court, Coimbatore.

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