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CRP No. 5671 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

CRP No. 5671 of 2025

and

CMP No. 28351 of 2025

A.Shanthamani

..Petitioner(s)

Vs

1. Kamalam
2. Gurunthachalamoorthi
3. C.Thangavel
4. C.Shanthamani
5. C.Janaki
6. Muthusamy
7. A.S.Ravi

..Respondent(s)

Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the Judgment and Decree dated 02.07.2024 passed in OS No.942 of 2022 on the file of III Additional District and Session Judge, Coimbatore, by allowing the revision and thus render justice.

For Petitioner(s): Mr.T.S.Baskaran

For Respondent(s): Mr.P.Saravana Sowmiyan For R1

Mr.W.Camyles Gandhi
For R2 to R5

R7- Private notice sent
Court notice unclaimed

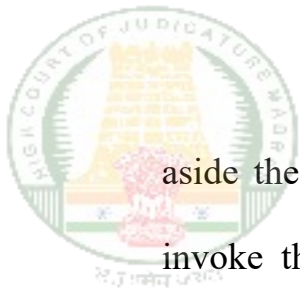


ORDER

Heard Mr.T.S.Baskaran, learned counsel for the petitioner, Mr.P.Saravana Sowmiyan, learned counsel for the contesting 1st respondent and Mr.W.Camyles Gandhi, learned counsel for the respondents 2 to 5.

2. Mr.T.S.Baskaran, learned counsel for the petitioner submitted that the petitioner purchased the subject property from the defendants in O.S.No.942 of 2022 through a registered Sale Deed dated 01.11.2006. In the meantime, the plaintiff in said suit issued a notice claiming partition in respect of the subject property. Though the petitioner has addressed a reply, informing the plaintiff of her prior purchase, the plaintiff has allegedly suppressed this fact of knowledge of sale in favour of the petitioner, the plaintiff has proceeded to file the suit O.S.No.942 of 2022. It is further contended that the defendants, having already conveyed the property to the petitioner, acted in collusion with the plaintiff, to obtain a compromise decree to defeat the right of the petitioner. Learned counsel would also fairly brings to my notice that the petitioner has filed a separate suit in O.S.No.476 of 2025, which is pending before the IV Additional District Judge, Coimbatore, to challenge the said compromise decree.

3. Mr.P.Saravana Sowmiyan, learned counsel for the 1st respondent would state that since the petitioner has already filed a suit for the relief of setting



aside the compromise decree through a regular suit, it is not open to him to invoke the extraordinary jurisdiction of this Court under Article 227 of the Constitution of India and seek for striking off the compromise decree directly without going through the process of trial in the suit filed by the petitioner himself.

4. I find merit in the submissions of Mr.P.Saravana Sowmiyan in this regard. If at all the petitioner directly approached this Court without having filed a suit, then may be case of fraud and collusion might have been considered in light of various legal pronouncements that 'fraud vitiates all act'. However, when the petitioner has already chosen to challenge the compromise decree in a suit, which is pending before the VI Additional District Judge, Coimbatore, I am not inclined to exercise the extraordinary power under Article 227 to strike off the compromise memo at this stage.

5. In any event, having granted leave to the petitioner to prefer the revision and also an order of interim injunction at the time of admission and considering that the property had been conveyed to the petitioner by a registered sale deed by the defendants, who have suppressed the same and proceeded to enter him to a compromise, the following orders are passed:

- (1) The respondents shall not encumber or alienate the subject property pending disposal of O.S.No.476 of 2025. The interim injunction



granted at the time of admission, shall continue until the final disposal of the suit.

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(2) The learned IV Additional District Judge, Coimbatore is directed to expedite the trial and shall complete the pleadings if not completed, within a period of two weeks. Issues shall be framed within a period of two weeks thereafter and the suit shall be disposed of within a period of six months.

(3) The petitioner is granted liberty to implead the 7th respondent who is the subsequent purchaser of the property from the plaintiff. Though 7th respondent received notice in the CRP, but failed to appear. Therefore, injunction granted against the 7th respondent shall also continue from dealing with the suit property till the disposal of the suit.

6. In result, this Civil Revision Petition stands disposed of in the above terms. No costs. Consequently, the connected Miscellaneous Petition is closed.

18-02-2026

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

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To

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- 1.The III Additional District and Session Judge, Coimbatore
- 2.The VI Additional District Judge, Coimbatore.



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P.B.BALAJI, J.

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