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CRP No. 304 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-01-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 304 of 2026 and

CMP No.1638 of 2026

Leelavathy, W/o. Palanisamy,
D.No.3/23, Indira Nagar, 1st Street.
Murungapalayam, Tiruppur-641 687.

..Petitioner(s)

Vs

Sakaraiyan, S/o. Nachi,
Nachipalayam Village,
Kangayam Road, Tiruppur-638 701.

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and final order dated 14-08-2025 made in IA.No.43 of 2025 in OS.No.58 of 2024, on the file of the Additional District Munsif Court, Tiruppur.

For Petitioner(s): Ms. D.Sathya

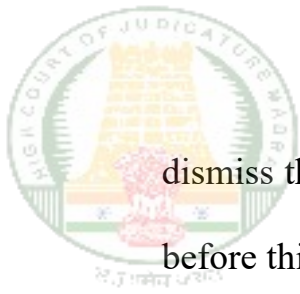


ORDER

This Civil Revision Petition is filed, challenging the order passed by the Trial Court, dismissing the application filed by the petitioner/first defendant seeking rejection of plaint filed by the respondent/plaintiff.

2. The respondent herein/plaintiff filed a suit in O.S.No.58 of 2024 against the petitioner and three other defendants, who were not made as parties in this civil revision petition. It was the specific case of the respondent/plaintiff that the property originally belonged to the petitioner herein / first defendant and she executed a power of attorney dated 03.06.1994 in favour of late Gurusamy, the predecessor in title of other defendants. It is further stated by the respondent/plaintiff that he has been in possession and enjoyment of the suit property under the lease deed executed by the said Gurusamy in his favour and since the petitioner and other defendants attempted to interfere with his possession, he was constrained to file the suit for bare injunction.

3. The petitioner/first defendant filed the instant application seeking rejection of plaint on the ground that the power of attorney allegedly executed by her in favour of Gurusamy was negated by the civil court in connected suits in O.S.No.227 of 2008, O.S.No.238 of 2008 and O.S.No.240 of 2008. Therefore, the suit filed by the respondent/plaintiff, suppressing the adverse findings in the earlier suits is not maintainable. The Trial Court was pleased to



dismiss the said application and aggrieved by the same, the petitioner has come before this court.

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4. The learned counsel for the petitioner would submit that the petitioner /first defendant never executed any power of attorney in favour of Gurusamy and the said power of attorney was held to be invalid by the civil court in the above mentioned suits. Therefore, the present suit filed by the respondent/ plaintiff seeking permanent injunction, based on the lease deed executed by Gurusamy, has no legs to stand.

5. It is not in dispute that the respondent/plaintiff was not a party to the suits in O.S.No.227 of 2008, O.S.No.238 of 2008 and O.S.No.240 of 2008. Any adverse findings in a suit, to which the respondent was not a party, will not bind him and affect his right to maintain a suit for bare injunction. Whether the petitioner executed a power of attorney in favour of Gurusamy and whether it is valid or not are all the matters to be decided based on the evidence to be let in by the parties at the time of final disposal. Therefore, I do not find any reason to interfere with the impugned order passed by the Trial Court.



6. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MST

To

The Additional District Munsif, Tiruppur.



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S.SOUNTHAR, J.

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