

C.R.P(MD).No.1381 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2026

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THE HON'BLE MR.JUSTICE **V. LAKSHMINARAYANAN**

C.R.P(MD).No.1381 of 2026
and C.M.P(MD).No.6738 of 2026

Indhran (Died)
Kasthuri ... Petitioner
(cause title is accepted vide Court order dated 15.04.2026 made in
C.M.P(MD).No.18963 of 2025 in C.R.P(MD).SR.No.99208 of 2025)

Vs

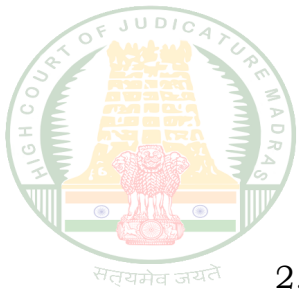
Banumathi ... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records pertaining to the plaint in O.S.No.164 of 2020 on the file of the learned District Munsif, Madurai and struck off the same.

For Petitioner : Mr.K.Navaneetharaja

ORDER

I have heard Mr.K.Navaneetharaja appearing for the petitioner. The plea of the petitioner is that after having cancelled the alleged mortgage said to have been executed by her husband, one Indhran in favour of the plaintiff and having surrendered possession of the property, yet again, the alleged mortgagee has presented a suit seeking to pursue the suit whereunder she wants a decree for injunction not to be evicted except by due process of law.



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2.It is the plea of Mr.K.Navaneetharaja that pursuant to a complaint lodged before the Central Crime Branch at Madurai, the plaintiff was arrested and remanded. Thereafter, she executed a deed of undertaking on 18.08.2022 in the presence of the Superintendent of Prison(Women), Madurai, Yet again, she is seeking to pursue the remedy. Hence, he pleads that this is the case for striking off the suit as the continuance thereof amounts to an abuse of the process of Court.

3.On the date of filing of the suit, namely, 24.02.2020, admittedly, the plaintiff was in possession of the property. It was on account of the subsequent events, namely, registration of an FIR at the instance of the deceased Indhran, plaintiff's arrest and incarceration, that took over the original state of affairs and resulted in the plaintiff cancelling the mortgage deed and also handing over the possession. By virtue of the subsequent events, the suit has been rendered infructuous. However, I do not want to entertain a revision straight away. This is on account of the fact that the defendant is always entitled to file an application invoking either Section 151 or Order 6 Rule 16(c) and let in evidence to substantiate the averments made therein. When an effective remedy is available to the defendant, I do not want to entertain a revision. It is open to the defendant to file an application to dismiss the suit either as an abuse of process of Court or as having been rendered infructuous by



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virtue of subsequent events before the learned Trial Judge. Since such an application if filed would have implication on the very maintainability of the suit, the learned District Munsif at Madurai is requested to take up that application first and dispose of the same and thereafter, proceed with the other applications.

4. With the above observations, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

08.06.2026

NCC:Yes/No
Index:Yes/No
Rmk

To:-

1. The District Munsif, Madurai.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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V. LAKSHMINARAYANAN, J.

Rmk

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