

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8009 OF 2016

R. SRINIVASAN

Appellant(s)

VERSUS

M/S. SOUTHERN AND RAJAMANI
TPT P.LTD AND ORS.

Respondent(s)

O R D E R

1. The plaintiff is in appeal against the Judgment and Order dated 30.03.2010 passed by the High Court in CRP No. 463 of 2010, entertaining a petition under Article 227 of the Constitution as if it is an application under Order VII Rule 11 of the Code of Civil Procedure and disposing of the suit.

2. The short facts are that the appellant instituted a suit for specific performance in the year 2010 on the basis of an Agreement for Sale dated 20.09.2000. Certain defendants approached the High Court under Article 227 of the Constitution for rejecting the plaint.

3. As indicated earlier, by the order impugned before us, the High Court allowed the petition under Article 227 of the Constitution and directed as under :-

"34. It has already been pointed out that a grave injustice has been done to the revision petitioners/defendants 1, 2, 3, 5 6, 8 to 24 and 26 to 37 by way of impleading them in Original Suit No. 3 of 2010 and further the Principal District

Court, Pudukottai has also done equal and clear injustice to them by way of taking the plaint on file in Original Suit No. 3 of 2010. Under the said circumstances, the plaint filed in Original Suit No.3 of 2010 on the file of the Principal District Court, Pudukottai is liable to be struck off in respect of the revision petitioners/defendants 1, 2, 3, 5, 6, 8 to 24 and 26 to 37."

4. There is no doubt about the fact that the High Court cannot entertain the petitions of this nature for rejecting the plaint. This issue has been considered by this Court in "*K. Valarmathi & Ors. Vs. Kumaresan*"; 2025 INSC 606, the relevant paragraph of which is extracted thus :-

"14. Procedural law provides the necessary legal infrastructure on which edifice of rule of law is built. Short-circuiting of procedure to reach hasty outcomes is an undesirable propensity of an overburdened judiciary. Such impulses rendering procedural safeguards and substantive rights otiose, subvert certainty and consistency in law and need to be discouraged."

5. In "*A. Venkatasubbiah Naidu Vs. S. Chellappan and Ors.*" reported in (2000) 7 SCC 695, this Court has observed as under :-

"22. Now what remains is the question whether the High Court should have entertained the petition under Article 227 of the Constitution when the party had two other alternative remedies. Though no hurdle can be put against the exercise of the constitutional powers of the High Court it is a well recognized principle which gained judicial recognition that the High

Court should direct the party to avail himself of such remedies one or the other before he resorts to a constitutional remedy. Learned single judge need not have entertained the revision petition at all and the party affected by the interim ex parte order should have been directed to resort to one of the other remedies. Be that as it may, now it is idle to embark on that aspect as the High Court had chosen to entertain the revision petition."

6. In view of the above, the appeal is allowed and the Judgment and order dated 30.03.2010 passed by the High Court is set aside. Consequently, the Original Suit, being O.S. No. 3 of 2010 on the file of the Principal District Court at Pudukkottai is restored to its original number.

7. Since the suit is of the year 2010, there shall be a direction that the trial court shall consider and dispose of as expeditiously as possible, after giving due opportunity of hearing to both the sides.

8. It is necessary to make it clear that we have not expressed any opinion on the merits of the matter.

9. Pending interlocutory application(s), if any, is/are disposed of.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[VIJAY BISHNOI]

NEW DELHI;
JANUARY 28, 2026.

ITEM NO.111

COURT NO.6

SECTION XII-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 8009/2016

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VERSUS

M/S. SOUTHERN AND RAJAMANI TPT P.LTD AND ORS.

Respondent(s)

Date : 28-01-2026 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
 HON'BLE MR. JUSTICE VIJAY BISHNOI

For Appellant(s) : Mr. K. K. Mani, AOR
 Ms. T. Archana, Adv.
 Mr. Rajeev Gupta, Adv.

For Respondent(s) : Mr. A Deb Kumar, Adv.
 Mrs. A Deepa, Adv.
 Mr. Sudarsh Menon, AOR

Ms. Madhusmita Bora, AOR
 Mr. Dipankar Singh, Adv.
 Ms. Pavithra V., Adv.

UPON hearing the counsel the Court made the following
 O R D E R

1. The civil appeal is allowed in terms of the signed order.
2. Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
 ASTT. REGISTRAR-cum-PS

(NIDHI WASON)
 ASSISTANT REGISTRAR

(Signed order is placed on the file)