



Reportable

**IN THE SUPRME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 739 OF 2026
(@SPECIAL LEAVE PETITION (CIVIL) NO.20423 OF 2025)

P.SURESH

...APPELLANT(S)

VS.

D.KALAIIVANI & ORS.

...RESPONDENT(S)

JUDGMENT

N.V. ANJARIA, J.

Leave granted.

2. Could the High Court entertain an application invoking and exercising its powers of superintendence under Article 227 of the Constitution, even where a specific remedial provision available in the Code of Civil Procedure Code, 1908 (hereinafter referred to as

‘CPC’) relating to the subject matter – issue is the focal point arising to be addressed in the present appeal.

2.1 What is challenged in this appeal at the instance of the appellant - original plaintiff, is the judgment and order passed by the High Court of Madras dated 03.06.2025 in CRP No. 3197 of 2024 and CMP No. 17106 of 2024, which were the proceedings of the Civil Revision Petition filed by the defendant under Article 227 of the Constitution, whereby, the High Court allowed the Revision Petition and struck off the plaint in Original Suit No. 93 of 2020 before the Court of District Munsif, Tambaram.

3. Outlining the facts would be relevant to notice the case pleaded in the plaint. The suit instituted by the appellant-plaintiff before the District Munsif Court, Tambaram was for the relief of permanent injunction against the defendants and their agents from interfering with the possession and enjoyment of the suit property by the plaintiff. The suit property comprised of Survey No. 125/1A, Survey No. 125/1C, and Survey No. 230/1B, which was described in their specified boundaries of Patta No. 320.

3.1 The case of the plaintiff was that the land originally belonged to one Sambandam Chettiar, who sold the same to the mother of the appellant named Meena under a registered sale deed dated 20.10.1975, Document No. 3994 of 1975. The said Meena - wife of Paramasivam, was in exclusive possession of the suit property and she died intestate on 07.12.1985. It was further averred that the plaintiff as her sole legal heir inherited the property and has been in exclusive possession and enjoyment of the same and further that the plaintiff got revenue records mutated in his favour in Patta No. 11941.

3.1.1 It was further averred in the plaint that the suit property, an open land, was to be bound by the fence. It was stated that at that time, defendant No. 2 trespassed and prevented the plaintiff from erecting the fence. It was averred that the defendants claimed to be the relatives of Sambandam Chettiar. The plaintiff stated that since the defendants threatened to encroach upon the suit property, the cause of action arose for instituting the Original Suit No. 93 of 2020.

3.2 In the written statement filed by the defendants, the transaction of sale in favour of the plaintiff's mother Meena was disputed by contending that the sale document was fabricated. It was sought to be contended that the certified copy of the sale deed filed along with the plaint used to be the property of another document and further that the sale deed was not signed by the said Sambandam Chettiar. It was the case of the defendants that the document did not pertain to the suit sale but it was a mortgage deed executed by a third party.

3.2.1 It was then contended that the said Sambandam Chettiar and his mother owned the suit property which they had purchased in the years 1922 and 1928 under registered sale deeds, and that agricultural operations were carried out in the lands using the services of coolies. The defendants contended that in the year 1940, when their mother died, all the properties were inherited and that they were in possession and enjoyment of the same. It was stated that in the year 2020, the defendants tendered *kist* for the land covered under Patta No. 320, but the Village Administrative

Officer refused to receive the same, stating that the ownership of the land/Patta had changed.

3.3 By raising the above and other contentions, the defendants put forward their case *inter alia* that the question of trespassing into the suit property by them did not arise as the title of the property belonged to them and that the case of the plaintiff for injunction was based on fabricated documents and that the suit was fraudulent.

3.4 In the Civil Revision Petition filed before the High Court under Article 227 of the Constitution by the defendants, it was contended that although the plaintiff was claiming exclusive title over the property, he did not seek the declaration of his title. The principles of exercising powers under Order VII Rule 11, CPC and the provisions of Order VI Rule 16 of CPC were pressed into service on behalf of the defendant-petitioners, praying before the High Court to strike off the plaint in exercise of powers under Article 227 of the Constitution.

3.5 The High Court noted the case and averments, the defence of the defendants, and proceeded to record finding that the certified copy of the sale deed produced by the plaintiff pertained to some third party and did not relate to the plaintiff. The High Court further recorded a finding that the document was a forged document and that the suit filed by the plaintiff was a false suit. According to the High Court, since the suit was once dismissed for default on 05.07.2022 and the plaintiff did not take any steps for about a year, it showed that the plaintiff did not show interest for long, and that it implied that the defence of the defendants was a valid defence. The High Court viewed that the ground of fraud was substantially established by the defendants. According to the High Court, the continuation of the suit was not necessary. On such grounds, the High Court exercised its Constitutional jurisdiction under Article 227 of the Constitution, allowed the civil revision petition, and struck off the plaint.

4. Heard learned advocate Mr. Abdulla Naseeh for the petitioner and learned senior advocate Mr. V. Prabhakar with

learned advocate on record Mr. S. Rajappa for the respondents, at length.

4.1 By referring to various judgments of this Court, it was submitted on behalf of the appellant that the High Court was not justified in the facts of the case in exercising the powers under Article 227 of the Constitution and pursuant to exercise of such powers, to set aside the plaint. It was submitted that the powers under Article 227 of the Constitution are supervisory, to be exercised sparingly. More particularly, when specific provision in the form of Order VII Rule 11, CPC exists in the statute book under which the defendant could have filed its application, a manifest error was committed by the High Court, it was submitted.

4.2 Learned counsel for the respondent, on the other hand, submitted that the supervisory powers of the High Court under Article 227 are wide enough and when the High Court found that the suit-plaint was liable to be struck off, no exception could be taken for invoking the powers. Learned counsel for the respondent

also referred to the provision of Order VI Rule 16, CPC, which permits the Court to strike off the pleadings.

5. Article 227 of the Constitution invests the power of superintendence over all courts by the High Court. Sub-Article(1) thereof provides that every High Court shall have superintendence over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction. As per sub-Article(2), without prejudice to the generality of the provisions in sub-Article (1), the High Court may (a) call for returns from such courts; (b) make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts and (c) prescribe forms in which the books and accounts etc. to be kept by the officers of courts. As per sub-Article (3), the High Court may also settle tables of fees. Sub-Article (4) provides that nothing in the Article shall deem to confer on a High Court powers of superintendence over any court or tribunal constituted by or under any law relating to the Armed Forces.

5.1 The scope, ambit, amplitude and nature of the powers of a High Court under Article 227 of the Constitution are discussed and delineated by this Court in catena of decisions. Article 227 is perceived to be a custodian of justice, which is in the nature of extraordinary supervisory powers, discretionary in nature. In **Shalini Shyam Shetty vs. Rajendra Shankar Patil**¹, this Court cautioned that an improper and frequent exercise of this power will be counterproductive and would divest this extraordinary power of its strength and vitality. It was observed that this discretionary power has to be exercised very sparingly.

5.1.1 The reserve of exceptional power of judicial intervention is not to be exercised just for granting of relief in individual cases but should be directed for the promotion of public confidence in the administration of justice. It is emphasized that though the power under Article 227 may be unfettered, its exercise is subject to high degree of judicial discipline. The Court observed in **Shalini Shyam Shetty (supra)**, ‘The power of interference under Article

¹ (2010) 8 SCC 329

227 is to be kept to the minimum to ensure that the wheel of justice does not come to halt and the foundation of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court.'

5.2 Similarly, in **State vs. Navjot Sandhu**², the powers of the High Court under Article 227 came to be explained by this Court observing that the powers available to the High Court under Article 227 of the Constitution are not meant for and not to be exercised just for the purpose of correcting errors. It was held:

‘It is settled law that this power of judicial superintendence, under Article 227, must be exercised sparingly and only to keep subordinate courts and tribunals within the bounds of their authority and not to correct mere errors. Further, where the statute bans the exercise of revisional powers it would require very exceptional circumstances to warrant interference under Article 227 of the Constitution of India since the power of superintendence was not meant to circumvent statutory law. It is settled law that the jurisdiction under Article 227 could not be exercised “as the cloak of an appeal in disguise.”

(Para 28)

² (2003) 6 SCC 641

5.3 In **A. Venkateshubbiah Naidu vs. S. Chellappan**³, this Court held that ‘though no hurdle can be put against the exercise of the constitutional powers of the High Court, it is a well-recognised principle which gained judicial recognition that the High Court should direct the party to avail himself of such remedies before he resorts to a constitutional remedy.’

5.4 In **Rajendra Diwan vs. Pradeep Kumar Ranibala and Anr.**⁴, this Court reiterated that the supervisory power under Article 227 of the Constitution available to the High Court is not for a routine exercise, it is meant to keep the courts and tribunals within the bounds of their jurisdiction or where grave miscarriage of justice has occurred or there is a flagrant violation of law. What was stated was that the jurisdiction under Article 227 cannot be exercised ‘*in the cloak of an appeal in disguise*’, it cannot be converted into an alternative appellate forum.

³ (2000) 7 SCC 695

⁴ 2019 (20) SCC 143

5.5 In **K.Valarmathi and Ors. vs. Kumaresan**⁵, this Court reiterated the same principles for exercising the powers under Article 227 of the Constitution by the High Courts as under,

‘Essence of the power under Article 227 being supervisory, it cannot be invoked to usurp the original jurisdiction of the court which it seeks to supervise. Nor can it be invoked to supplant a statutory legal remedy under the Civil Procedure Code, 1908.’

(Para 9)

5.5.1 It was further observed, which observation may also be pertinently reproduced,

‘Civil Procedure Code is a self-contained Code and Order VII Rule 11 therein enumerates the circumstances in which the trial court may reject a plaint. Such rejection amounts to a deemed decree which is appealable before the High Court under Section 96 of the Code. This statutory scheme cannot be upended by invoking supervisory jurisdiction of the High Court under Article 227 to entertain a prayer for rejection of plaint.’

(Para 10)

5.6 In **Virudhunagar Hindu Nadargal Dharma Paribalana Sabai and Others vs. Tuticorin Educational Society and Others**⁶, the appellants therein had filed a suit for declaration and permanent injunction. In the said suit proceedings, the trial court

⁵ 2025 SCC OnLine SC 985

⁶ (2019) 9 SCC 538

passed order granting an injunction. Respondent No. 5 in the suit called in question the order of granting injunction by filing a regular appeal under Order XLIII Rule 1(r) of the Civil Procedure Code, 1908. But the Defendant Nos. 1 and 6 challenged the said order of injunction not by filing regular appeal but by invoking the powers of the High Court under Article 227 of the Constitution. The High Court allowed the said civil revision petition and set aside the order of injunction granted by the trial court.

5.6.1 The exercise of supervisory powers under Article 227 of the Constitution by the High Court to challenge the injunction order was strongly disapproved by this court, observing that the High Court ought to have seen that when remedy of appeal under Section 104 read with Order XLIII Rule 1(r), CPC, was directly available, Defendant Nos. 1 and 6-Respondent Nos. 1 and 2 before this Court ought to have taken recourse to the same.

5.6.2 In **Virudhunagar (supra)**, by categorizing the cases where the remedy is available under the provisions of the Civil Procedure Code and the cases where such remedial provisions

exist under special statutes, this Court emphasised that in cases falling under the first category, where there is availability of remedy in terms of the provisions of the Civil Procedure Code, the existence of such remedy has to be treated as almost a complete bar against applying powers under Article 227 of the Constitution in that regard.

5.6.3 The Court observed thus,

‘...courts should always bear in mind a distinction between (i) cases where such alternative remedy is available before civil courts in terms of the provisions of Civil Procedure Code, and (ii) cases where such alternative remedy is available under special enactments and/or statutory rules and the fora provided therein happen to be quasi-judicial authorities and tribunals. In respect of cases falling under the first category, which may involve suits and other proceedings before civil courts, the availability of an appellate remedy in terms of the provisions of CPC, may have to be construed as a near total bar. Otherwise, there is a danger that someone may challenge in a revision under Article 227, even a decree passed in a suit, on the same grounds on which Respondents 1 and 2 invoked the jurisdiction of the High Court.’

(Para 12)

5.7 The statement of law observed by a Three-Judge Bench of this Court in **Radhey Shyam vs. Chhabi Nath**⁷, while overruling

⁷ (2015) 5 SCC 423

the earlier decision in **Surya Dev Rai vs. Ram Chander Rai**⁸, was recollected, that ‘orders of civil courts stand on a different footing from the orders of authorities or tribunals or courts other than judicial/ Civil Court’, stating further as under,

‘Therefore wherever the proceedings are under the Civil Procedure Code and the forum is the civil court, the availability of a remedy under the CPC, will deter the High Court, not merely as a measure of self-imposed restriction, but as a matter of discipline and prudence, from exercising its power of superintendence under the Constitution. Hence, the High Court ought not to have entertained the revision under Article 227 especially in a case where a specific remedy of appeal is provided under the Civil Procedure Code itself.’

(Para 13)

6. In the case on hand, the High Court has exercised its supervisory powers under Article 227 of the Constitution and proceeded to set aside the plaint. The invocation of such powers are sought to be justified by the defendants – respondents by stating that the amplitude of such power is vast and pervasive, which was duly exercised by the High Court to strike off the erroneous plaint. A shelter is also taken from the provision of Order VI Rule 16, CPC to submit that it is a provision under which frivolous or

⁸ (2003) 6 SCC 675

vexatious proceedings could be struck off, reading it with powers of superintendence under Article 227 of the Constitution.

6.1 For easy reference, the provision of Order VI Rule 16 CPC is extracted hereinbelow,

‘16. Striking out pleadings.

The Court may at any stage of the proceedings order to be struck out or amended any matter in any pleading-

- (a)** which may be unnecessary, scandalous, frivolous or vexatious, or
- (b)** which may tend to prejudice, embarrass or delay the fair trial of the suit, or
- (c)** which is otherwise an abuse of the process of the Court.’

6.1.1 The bare perusal of the aforementioned provision mandates procedural defects whereby the courts can exercise their discretionary power to strike out any matter in any pleading. Such discretion could be exercised cautiously and only when the parameter stipulated under the said provision are apparent, such as, when the matter in the pleading is unnecessary, scandalous, frivolous or vexatious or it is of such a nature it tends to prejudice, embarrass or delay the fair trial of the suit or it is otherwise an abuse of the process of the court.

6.2 Now, there is a specific provision under the CPC in the nature of Order VII Rule 11, which deals with the rejection of the plaint, which mentions specific grounds on which the court may reject the plaint. The said provision is reproduced herein,

‘11. Rejection of plaint.

The plaint shall be rejected in the following cases:

- (a)** where it does not disclose a cause of action;
- (b)** where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so;
- (c)** where the relief claimed is properly valued, but the plaint is returned upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so;
- (d)** where the suit appears from the statement in the plaint to be barred by any law;
- (e)** where it is not filed in duplicate;
- (f)** where the plaintiff fails to comply with the provisions of rule 9.

.....’

6.2.1. The provision says that the plaint shall be rejected in the following cases, firstly, if it does not disclose a cause of action.

Now, the cause of action is a bundle of facts. Whether cause of action exists for the purpose of validly instituting the suit or not would necessarily require a factual inquiry. The second ground is

that the relief claimed when undervalued and the plaintiff, on being required by the Court to correct the valuation and pay the deficit court fee within the time which may be fixed by the Court, fails to do so. The third ground mentioned for rejection of the plaint is similar with regard to the plaint which is insufficiently stamped and the plaintiff has failed to supply the requisite stamp paper within the time fixed by the court.

6.2.2 The fourth ground is about the suit appearing from the statement in the plaint to be barred by any law. Though this may be a legal consideration, the attendant facts would become relevant and the issue may not always be finally adjudged without application of facts. The fifth ground is that the plaint is not filed in duplicate. This is curable defect and a procedural aspect. The sixth ground is where the plaintiff fails to comply with the provisions of Rule 9, which is also not to be immune from consideration of facts of the case.

6.2.3 As far as the ground of correction of valuation for supplying of the stamp paper is concerned, the proviso mentions

that time may be extended by the Court, for the reasons to be recorded, if the court is satisfied that the plaintiff was prevented by any cause of exceptional nature. There is no gainsaying that there will have to be factual inquiry in the process of determination for rejection of plaint and for the satisfaction to be arrived at by the Court with regard to the extension of time, which the court may grant. Therefore, it would be entirely proper to conclude that when the grounds for rejection of the plaint, provided in statutory provision, require the consideration of the facts of the case, such issue should not be gone into by exercising supervisory jurisdiction under Article 227 of the Constitution, which even otherwise is supposed to be exercised by the Court sparingly and not just for the purpose of correcting purported errors. In any view, the overriding criteria in law is that the supervisory jurisdiction cannot be applied to substitute the remedy available specifically in the CPC itself.

6.3 While the principal issue addressed in the present appeal is about the principle whether the High Court could have exercised

its supervisory jurisdiction under Article 227 of the Constitution to strike off the plaint, even though a specific provision for rejection of the plaint under Order VII Rule 11, CPC was available to the defendants to be taken recourse to, it is also to be noted additionally that the dispute in the suit was essentially a title dispute between the parties. Secondly, the defence of the defendants was that the suit was fraudulent and based on false documents. The High Court accepted the said contentions and struck down the plaint vide its powers under Article 227 of the Constitution.

6.3.1 In **Shalini Shyam Shetty**¹, this Court in Paragraph 64 of the judgment has flagged the growing tendency among the High Courts to entertain writ petitions in cases of property disputes, partition suits, matters relating to the execution of decrees, landlord-tenant disputes, money decrees and in respect of such other various cases and has disapproved the same and held that the High Courts could not in a routine manner entertain petitions under Article 227.

6.3.2 It has to be acknowledged that almost all civil suits would involve disputed question of facts. The averment in plaint quite often than not, raise controversy which, in ultimate analysis, is to be addressed and adjudicated by leading evidence. As these are the disputes of civil nature to be dealt with by the civil court, and the invocation of Constitutional powers thereover in a routine manner may not be necessary nor is advisable. This proposition, in its analogousness, would justify holding that powers under Article 227 of the Constitution would not be available to be exercised where there is an alternative remedy.

6.4 For the very above reasoning, the reliance placed on the provision of Order VI Rule 16, CPC to support the impugned order and to justify the exercise of powers under Article 227 of the Constitution for striking out the plaint, is misconceived in law. Order VI Rule 16, CPC deals with the question of striking out pleadings, to provide that the Court may, at any stage of the proceedings, order to be struck out or amended in any matter in any pleading which is unnecessary, scandalous, frivolous, or

vexatious or which may tend to prejudice or embarrass the fair trial of the suit or which is otherwise an abuse of the process of Court.

6.4.1 Evidently, this provision deals with the striking out of a part or a section of the pleading which suffers from any of the kinds mentioned in the provision, such as unnecessary, scandalous, frivolous, vexatious, prejudicial, embarrassing or delaying the fair trial or abuse of the process of law. It would be stretching beyond the logic of law to interpret and imply that Order VI Rule 16 can be utilized and employed for striking down the entire plaint. Striking down the plaint or rejection of plaint on the legal grounds available in Order VII Rule 11, CPC is entirely different than striking out the infirm or abusive pleadings. Under the guise of invoking Order VI Rule 16, CPC, therefore, justification for using the powers under Article 227 of the Constitution cannot be extended.

7. When the powers under Article 227 of the Constitution are of supervisory nature and when the aforesated settled dictum of law is that the High Court does not act as a court of appeal or a

court of error, it would logically follow that the powers under Article 227 would not be exercised when the non-exercise of such powers does not result into miscarriage of justice or deprivation of remedy in law to a party.

7.1 It is to be conceived as one of the prohibited area for exercising Article 227 powers where, in respect of the grievance for which party has remedy in law, these powers are surely to be invoked. The principle is therefore to be emphasized that the exercise of supervisory jurisdiction under Article 227 of the Constitution has to be treated as an exceptional resort when an alternative efficacious civil remedy by way of appeal or revision or any other, like Order VII Rule 11, CPC in the present case, is available to the party for the redressal of the grievance.

7.2 The proposition that the availability of alternative remedy shall be legitimately construed to displace the exercise of Constitutional jurisdiction by the High Court, is true not only for the purpose of exercising powers under Article 226 of the

Constitution but also for the purpose of invoking Article 227 of the Constitution.

7.3 In the garb of exercising supervisory jurisdiction under Article 227 of the Constitution, the High Court is not expected to engulf the specific statutory remedy or provision in law and, thus, become a supervisor over the court below or the tribunal, as the case may be. It would be a legally wise exercise of discretion for the High Court to adopt and adhere to such self-imposed discipline and to insist that the aggrieved party should take recourse to such alternative remedy or statutory provision available in law, especially, for the case falling in category indicated in **Virudhunagar⁶ (supra)** where remedy available in the CPC for the cases falling under category/other law also, where such specific statutory remedy is available, the dictum laid down herein is true to grant extent.

7.4 As stated above, embargo in this regard would have to be construed as near total when provision is available in CPC. It is held, therefore, that once the specific provision under Order VII

Rule 11 of the CPC, is available, the High Court cannot exercise powers under Article 227 to reject or strike off the plaint. For such relief, the specific provision under Order VII Rule 11, CPC, will have to be resorted to, on the grounds mentioned in the said provision.

8. In adopting such approach, the High Court would be giving due regard to the legislative intent. When the legislature has enacted specific remedial provision to be taken recourse to by the person aggrieved to challenge the orders and decisions of the court to seek redress in law accordingly that remedy alone will have to be sought for.

9. From the aforesaid discussion, it would logically follow that the High Court would not only discourage but desist from exercising jurisdiction under Article 227 of the Constitution in respect of a challenge for which a separate, distinct, and specific remedy or statutory provision is available under the statute concerned. Availability of an alternative civil remedy and/or under the CPC shall be treated as complete and near total bar on the High

Court to venture to invoke and exercise its power available under Article 227 of the Constitution, except where exercise of supervisory jurisdiction becomes absolutely necessary.

10. For all the aforesaid reasons and discussions, this court is of the view that High Court committed a manifest error in exercising its powers under Article 227 of the Constitution to strike down the plaint. It ought to have asked the defendant to take recourse to, in accordance with law, when specific provisions available in the Code of Civil Procedure, 1908 in the nature of Order VII Rule 11. The impugned judgment and order of the High Court, therefore, deserves to be set aside.

10.1 As a result, the judgment and order dated 03.06.2025 passed by the High Court of Madras in CRP No. 3197 of 2024 and CMP No. 17106 of 2024 striking off the plaint of Original Suit No. 93 of 2020 before the Court of District Munsif, Tambaram, is hereby set aside.

11. The appeal is allowed. Consequently, the suit is restored to its original file and parties are directed to appear before the trial

court for further proceedings on 16.02.2026 without awaiting further notice. Liberty is reserved for the defendants to file application under Order VII Rule 11, CPC, to be considered strictly in accordance with law. There shall be no costs.

In view of the disposal of the main appeal, all interlocutory applications, as may be pending, stand disposed of.

.....,J.

[ARAVIND KUMAR]

.....,J.

[N.V. ANJARIA]

NEW DELHI;
03.02.2026.