



CRP No. 1746 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1746 of 2026

AND

CMP NO. 7974 OF 2026

1. Marimuthu

S/o.Veeran, D.No.2 Iraniyan Street,
Anna Nagar, Rangampalayam (Post),
Erode 638 009.

Petitioner(s)

Vs

1. Chinnasamy

S/o.Sambanna Gounder, D.No.2/15
Odakkattuvalasu, Muthampalayam,
Kavundachipalayam Village,
Perundurai Tk., Erode 638 052.

2.Mohan Kumar

S/o.Poosappan, D.No.1 Iraniyan Street,
Annai Sathya Nagar, Rangampalayam,
Erode 638 009.

3.Balasubiramani

s/o. Sankaran, D.No.76 Madurai
Veeram Temple Street,
Molagoundanpudur, Muthur 638 105.

Respondent(s)

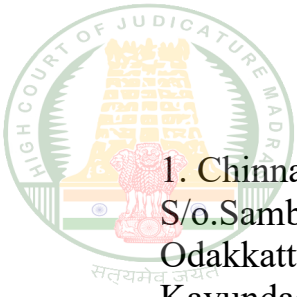
CMP No. 7974 of 2026

1. Marimuthu

S/o.Veeran, D.No.2 Iraniyan Street,
Anna Nagar, Rangampalayam (Post),
Erode 638 009.

Appellant(s)

Vs



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Kavundachipalayam Village,
Perundurai Tk., Erode 638 052.

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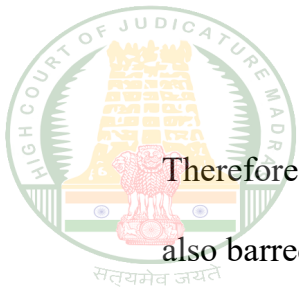
For Petitioner(s): MR.S.MUKUNTH SENIOR
COUNSEL FOR MR.T. Balaji

For Respondent(s): MR.C. Prakasam For R2

ORDER

Challenging the dismissal of the application in I.A. No.7 of 2025 in O.S.No.2 of 2024 on the file of the I Additional District Munsif Court, Erode, the first defendant has preferred this revision.

2. The learned counsel for the revision petitioner submitted that the defendant purchased the property from one Muthuswamy, who was allotted 3/4th share in the earlier second appeal proceedings in S.A. No.864 of 2016, whereas the plaintiff's mother was allotted only 1/4th share. Without considering the said judgment, the plaintiff has filed the present suit for declaration. He also contended that since the plaintiff's mother had only a limited share, the plaintiff cannot claim a greater right.



Therefore, the plaint is liable to be rejected as it discloses no cause of action and is also barred by limitation.

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3. On perusal of the records, it is seen that the revision petitioner claims title based on a sale deed dated 14.01.2020 executed by Muthuswamy, who was allotted 3/4th share in the earlier proceedings. The plaintiff's right has already been determined in the earlier second appeal.

4. Admit. Issue notice to the respondent(s), returnable by 28.04.2026.

5. Post the case on 28.04.2026.

6. The proceedings in I.A.No.7 of 2025 in O.S.No.2 of 2024, on the file of I Additional District Munsif Court, Erode, are stayed till then.

26-03-2026

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. The I Additional District Munsif, Erode.



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T.V.THAMILSELVI J.
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