



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 2070 of 2026

AND

CMP NO. 9162 OF 2026

1. Selvam,
S/o.Chinnasamy, Nehru Nagar, Opp. to
Govt. Arts College, Savulupatti,
Thadangam Village, Dharmapuri Taluk
and District.

Petitioner(s)

Vs

1. G.Arjunan,
S/o.Gopal, Door No.1/250K, AVS
Nagar, Old Quarters Opposite,
Collectorate post, Dharmapuri Taluk
and District.

Respondent(s)

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PRAYER

To set aside the fair and decretal order passed by the Principal Subordinate Court, Dharmapuri District dated 29.08.2025 made in I.A.No.3 of 2024 in O.S.No.203 of 2022 and to allow the Interlocutory Application as prayed for or pass any other orders as may be deem fit and the interest of justice.

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For Petitioner(s): MR.J.Pradeep

For Respondent(s):



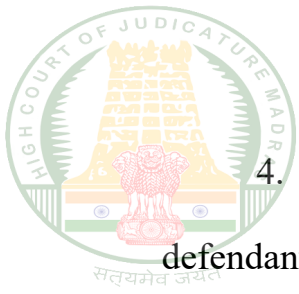
ORDER

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This Civil Revision Petition has been filed seeking to set aside the fair and decretal order passed by the Principal Subordinate Court, Dharmapuri District dated 29.08.2025 made in I.A.No.3 of 2024 in O.S.No.203 of 2022.

2. The petitioner herein filed I.A. No. 3 of 2024 in O.S. No. 203 of 2022 on the file of the Principal Subordinate Court, Dharmapuri, seeking to reject the plaint on the ground that the respondent had previously filed an identical suit in O.S. No. 32 of 2021, which was dismissed due to the respondent's non-appearance. Upon hearing both sides, the Trial Court dismissed the petition, stating that since the earlier suit was not disposed of on merits, the order of dismissal for default cannot operate as *res judicata*. Aggrieved by the same, the petitioner has filed this Civil Revision Petition.

3. The learned counsel for the petitioner submits that because the earlier suit was dismissed for default, the plaintiff/respondent should have taken steps to restore the same; instead, the respondent filed the present suit on the same cause of action. He contends that when a suit is dismissed under Order IX Rule 8 of the CPC, the plaintiff is expressly barred under Order IX Rule 9 of the CPC from instituting a fresh suit on the same cause of action. He argues that the Trial Court failed to appreciate this fact, rendering the impugned order erroneous and liable to be set aside.



4. On a perusal of the records, the facts reveal that the defendant/petitioner herein allegedly caused fresh interference to the respondent/plaintiff's possession on 13.05.2022, prompting the respondent to file the present suit. The cause of action pleaded in the plaint clearly establishes that the disturbance alleged to have been caused by the petitioner on 13.05.2022 constitutes a fresh cause of action. Therefore, the ground raised to reject the plaint is legally unsustainable, and the Trial Court rightly concluded the same, which requires no interference by this Court. Liberty is granted to the petitioner to file a detailed written statement before the Trial Court.

5. In the result, this Civil Revision Petition is **dismissed**. No costs. Connected miscellaneous petitions, if any, stand closed.

29-04-2026

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Principal Subordinate Court, Dharmapuri.

2. The Section officer, V. R Section, High Court, Madras.



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T.V.THAMILSELVI J.
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