



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

WEB COPY

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 2442 of 2026

AND

CMP NO. 10419 OF 2026

1. Arumugham,
S/o. Late Rakkia Gounder, Old
No.10/13-A, N.No.23/1 Nanjappa
Devar Nagar, sir Muthuramman
Maligai Back side, Kannampalayam
Pirivu, Sulur Taluk, Coimbatore.

Petitioner(s)

Vs

1. Kamalam,
W/o. Late Rayappan, Residing at Mada
Thottam, Sithanaickenpalayam,
Selakkarichal Village, Sulur Taluk,
Coimbatore District.

2.Mohana Sundari,
Wife of Ayyasamy, Residing at Mada
Thottam, Sithanaickenpalayam,
Selakkarichal Village, Sulur Taluk,
Coimbatore District.

3.Vijayalakshmi,
Wife of Palanisamy, Residing at Mada
Thottam, Sithanaickenpalayam,
Selakkarichal Village, Sulur Taluk,
Coimbatore District.

4.Padmavathy,
Wife of Sudharsan, Residing at Mada
Thottam, Sithanaickenpalayam,
Selakkarichal Village, Sulur Taluk,
Coimbatore District.



Respondent(s)

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WEB PRAYER

To set-aside the fair and decretal order dated 05.01.2026 passed in I.A.No.7 of 2023 in O.S.No.1195 of 2019 on the file of Second Additional Sub Judge at Coimbatore and thus render justice.

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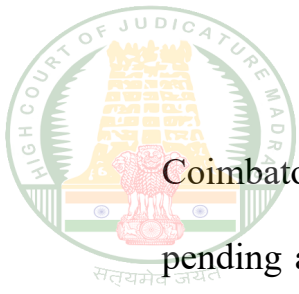
For Petitioner(s): MR.K.Myilsamy

For Respondent(s):

ORDER

This civil Revision Petition has been filed seeking to set-aside the fair and decretal order dated 05.01.2026 passed in I.A.No.7 of 2023 in O.S.No.1195 of 2019 on the file of Second Additional Sub Judge at Coimbatore.

2. The learned counsel for the petitioner submits that the petitioner has filed a suit against the respondent in OS No. 63 of 1998 on the file of the District Munsif Cum Judicial Magistrate Court, Palladam for the relief of Declaration, Permanent Injunction, and was decreed in favour of the petitioner vide decree and judgement dated 13.02.2003. Subsequently, the respondents filed another suit in OS No. 1378 of 2018 on the file of the 2nd Additional Sub Judge, Coimbatore for a permanent injunction against the petitioners. In which the petitioner herein filed an application to reject the plaint and the same was allowed vide order dated 08.12.2022. Thereafter, the respondents had filed another suit in OS No. 138 of 2019 on the file of the 2nd Additional Sub Court,



Coimbatore against the petitioner for declaration and injunction, which is pending as on date. Now, the respondents filed the another in OS No. 1195 of 2019 against the petitioner for the same relief of permanent injunction and for same property against same party. When an issued already decided in favour of the petitioner, which was a former suit, the other injunction suit filed by the respondent was rejected under Order 7 Rule 11 CPC, and then the pending suit for the self same relief against the petitioner is barred under the principles of Res Judicata as per Section 11 of CPC. However, the Court below without appreciating the above facts, dismissed the application filed by the petitioner for rejection of plaint.

3. Admit. Issue notice to the respondent returnable by 13.07.2026. Private notice is also permitted. Post the matter on 13.07.2026, till then, O.S.No.1195 of 2019 pending on the file of 2nd Additional Sub Judge at Coimbatore is ordered to be stayed.

24-04-2026

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The 2nd Additional Sub Judge at Coimbatore



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