

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.3010 of 2023
and CMP. No.18571 of 2023

1.Mrs.Rajamani
2.Mr.J.Ramajeyam
3.Mr.J.Rajajeyam
4.Mr.J.Rajeshjeyam
5.Mr.J.Rameshjeyam

... Petitioners

Vs.

1.Mrs.Kalavathy
2.Mr.L.Senthilkumar
3.Mr.L.Parthiban
4.Mr.L.Vimalraj

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order in I.A. No.01 of 2022 in O.S. No.5758 of 2018, dated 26.06.2023 on the file of the I Assistant Judge, City Civil Court, Chennai.

For Petitioners : Mr.K.Mohanamurali

For Respondents : Ms.G.Sumithra



ORDER

This Civil Revision Petition is filed to set aside the order in I.A.

No.01 of 2022 in O.S. No.5758 of 2018, dated 26.06.2023 on the file of the

I Assistant Judge, City Civil Court, Chennai.

2. Heard Mr.K.Mohanamurali, learned counsel for the petitioners and Mrs.G.Sumithra, learned counsel for the respondents.

3. The revision has been filed challenging the dismissal of an Application under Order VII Rule 11(d) CPC. According to the learned counsel for the petitioners Mr.Mohanamurali, the earlier suit was filed on the same cause of action and the said suit came to be dismissed as abated. He would therefore state the only course open to the plaintiffs was to restore the suit and not filed the fresh suit. He would therefore state that the Trial Court has clearly fell in error in dismissing the Application for rejection of the plaint.

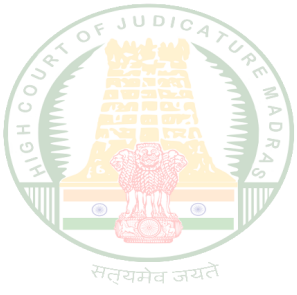
3.Per contra, Ms.G.Sumithra, learned counsel for the respondents would state that the present suit is based on the entirely different cause of action, upon termination of tenancy, that has been caused by notice dated



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21.03.2018. Therefore, the earlier suit is not a bar of the present suit and the question of *res judicata* also does not arise. The Trial Court, on enquiry has proceeded to dismiss the Application for rejection of the plaint holding that the petitioner has not made out any ground under Order VII Rule 11 CPC.

4. Mr.K.Mohanamurali, learned counsel for the revision petitioners states that an issue may be framed with regard to the plea of *res judicata*. In view of the above, I am not inclined to interfere with the order of the Trial Court, however, direction is issued to the Trial Court to frame an issue with regard to plea of bar of the present suit on the ground of *res judicata* in view of dismissal of the earlier suit as abated. The said issue shall be taken up as the preliminary issue and decided after the parties lead evidence and subject to the decision regarding the maintainability of the suit, other issues shall be proceeded to be decided. The Trial shall be completed on or before 28.11.2025 and suit shall be disposed of on or before 19.12.2025.



P.B.BALAJI.J.,

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5. With the above direction, this Civil Revision Petition is disposed of. Consequently, connected Miscellaneous Petition is also closed. No costs.

22.08.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

rkp

To

The I Assistant City Civil Judge,
Chennai.

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