

CRP(MD). No.295 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 06.02.2026

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THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.295 of 2026
and
CMP(MD) No.1276 of 2026**

1.Elanchezhian

2.Elamaran

3.Tamilselvi

4.Karuppaiya

... Petitioners

Vs

1.Ramalingam

Vasanthai (Died)

2.Saraswathi

3.Kasthoori

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to to set aside the fair and decretal order dated 29.10.2025 passed in I.A.No.04 of 2024 in O.S.No.18 of 2020 on the file of Learned Principal District and Sessions Court, Sivagangai.

For Petitioners : Ms.Rukmani for
Mr.V.R.Shanmuganathan

For Respondents : Ms.Vasantha Lakshmi for
Mr.S.Madhavan



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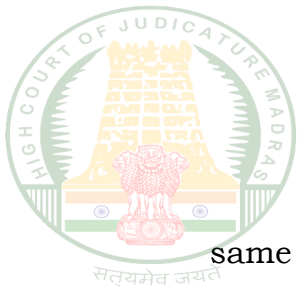
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ORDER

This Civil Revision Petition has been filed challenging the order dated 29.10.2025 made in I.A.No.4 of 2024 in O.S.No.18 of 2020, on the file of the Principal District and Sessions Court, Sivagangai.

2.The first respondent/plaintiff has filed a suit in O.S.No.18 of 2020 before the Principal District and Sessions Court, Sivagangai, for the relief of partition along with other reliefs. Pending suit, the petitioners/defendants 2 to 5 filed an interlocutory application in I.A.No.4 of 2024 under Order VII Rule 11 r/w Section 151 of CPC, praying to reject the plaint. The trial Court, by an order dated 29.10.2025 dismissed the said application. Aggrieved over the same, the present Civil Revision Petition has been filed.

3.The primary contention of the learned counsel for the petitioners is that the suit is barred by limitation. She would further submit that the first respondent/plaintiff is not entitled to sue the suit, since the dispute between the same parties in respect of the very same property has already been decided before the civil Court. Hence, she would submit that the plaint is a vexatious litigation and the



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same is liable to be rejected on the ground of *res judicata* at the threshold.

4.The learned counsel for the respondents would submit that the prayer sought for by the petitioners for rejection of plaint is wholly un-sustainable, as the issue involved is not a pure question of law but a mixed question of law and fact.

5.This Court has carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

6.Admittedly, the scope of an application under Order VII Rule 11 of CPC is limited to examine the plaint averments alone, without embarking upon an enquiry into the truth or correctness of the allegations or the defence raised by the defendants. A plaint cannot be rejected merely on the ground that the defendants dispute the rights of the plaintiff or challenges the documents relied upon by the plaintiff. Such issues necessarily fall within the domain of the trial.



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WEB COPY 7. In the case on hand, the trial Court by relying upon the judgment of the Hon'ble Supreme Court in ***Pandurangan Vs. T. Jayarama Chettiar and another*** reported in **2025 (5) CTC 627**, has rightly held that for rejection of the plaint, the Court cannot go into the question of maintainability on the ground of *res judicata*. This Court also finds no error or infirmity in the order of the trial Court.

8. In fine, the Civil Revision Petition stands dismissed granting liberty to the petitioners to raise all defences available in law before the trial Court during trial. It is made clear that the trial Court shall decide the suit independently on its own merits, uninfluenced by any of the observations made in the impugned order or in this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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06.02.2026

To

The Principal District and Sessions Judge, Sivagangai.

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N.SENTHILKUMAR, J.

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