



SA(MD) NO. 193 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22-04-2026

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CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

SA(MD) NO. 193 of 2026

1. Arjunan
S/o. Ramuthevar
Chokkanathapuram Panniyan Village
Usilampatti Taluk
Madurai District. Raja (died) (Cause title is accepted vide court order dated 27.03.2026 made in CMP(MD).No.3995/2026 in S.A(MD).SR.No.16918 of 2026 by PBBJ)Sangeetha
2. SEEMAISAMY
S/o. Ramuthevar
Chokkanathapuram Panniyan Village
Usilamatti Taluk
Madurai Dsitric.
3. DR. BALAMURALI
S/o. Devaraj
Madurai Main Road
Usilampatti Town
Madurai District.
4. D. KARTHIKEYAN
S/o. Devaraj
207/3
Bala Hospital
Madurai Main Road
Usilampati Town
Madurai District.
5. SANGEETHA
D/o. Raja
Chokkanathapuram Panniyan Village
Usilampatti Taluk
Madurai District.

Appellant(s)



Vs

1. P.Selvi
W/o. Pownraj
Chokkanathauram Panniyan Village
Usilampatti Taluk
Madurai District.

Defendant(s)

For Appellant(s):

V.Sukumar
P. Balamurugan
Narayana Sudalai Muthu B

For Defendant(s):

I.Irulappan
Caveator For Sole Respondent

Prayer:

Second Appeal filed under Section 100 of Civil Procedure Code to allow the Second Appeal and call for the records relating to the Judgement and Decree passed by the Learned Subordinate Judge, Usilampatti dated 25.11.2025 in A.S.No.15 of 2025 reversing the Judgment and Decree passed by the District Munsif cum Judicial Magistrate No.1, Usilampatti dated 07.04.2025 in O.S.No.1 of 2015 and set aside the same and consequently dismiss and allow the counter claim of the suit and thus render justice.

ORDER

This Second Appeal is admitted on the following substantial question of law:

“Whether the first respondent / plaintiff is legally entitled to maintain and file a fresh suit for declaration of title and consequential permanent injunction on the same cause of action and identical averments as in O.S.No.141 of 2010, which was earlier withdrawn, without obtaining



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leave of the Court under Order XXIII Rule 1 of the Code of Civil Procedure, 1908, r/w. Section 11 of the Code of Civil Procedure, 1908 and whether such institution of suit is barred by law?”

2.Mr.I.Irulappan, learned Counsel takes notice for the respondent.

3.Registry is directed to call for the records, from the Court below concerned.

4.Post the matter on **16.06.2026**.

MR

22-04-2026



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To
1. P.Selvi
W/o. Pownraj
Chokkanathauram Panniyan Village
Usilampatti Taluk
Madurai District.