



CRP.No.1212 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition No.1212 of 2022
& CMP.No.6509 of 2022

Santhi, D/o.Late.Manickam,
Residing at Nekkunthi Village,
Chettiyappanur Post,
Natrampalli Taluk,
Thirupathur District.

...Petitioner

Vs

1. Murugan,
S/o Late Appavu Gounder,
Nekkunthi Village,
Chettiyappanur Post,
Natrampalli Taluk,
Thirupathur District.
2. Selvammal,
W/o Late Manickam,
Nekkunthi Village,
Chettiyappanur Post,
Natrampalli Taluk,
Thirupathur District.
3. Moorthy,
S/o Late Manickam,
Nekkunthi Village,
Chettiyappanur Post,
Natrampalli Taluk,
Thirupathur District.



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4. Dhanalakshmi,
D/o.Late.Manickam,
Nekkunthi Village,
Chettiyappanur Post,
Natrampalli Taluk,
Thirupathur District.
5. Vijaya,
D/o Late Manickam,
Nekkunthi Village,
Chettiyappanur Post,
Natrampalli Taluk,
Thirupathur District.
6. The Tahsildar,
Office of the Tahsildar,
Natrampalli Taluk,
Thirupattur District.
7. The Sub Registrar,
Office of the Sub Registrar,
Vaniyambadi,
Tirupattur District.
8. The District Collector,
Office of the District
Collector, Thirupattur District.
9. The District Registrar,
Office of the District
Registrar, Vellore-1.
10. The Tahsildar,
Office of the Tahsildar,
Vaniyambadi,
Thirupattur District.

...Respondents



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PETITION under Article 227 of The Constitution of India
against the order and decretal order dated 12.11.2021 passed in
I.A.No.3 of 2021 in O.S.No.107 of 2020 on the file of the District
Munsif Court at Vaniyambadi.

For Petitioner:	Mr.C.C.Sivakumar
For Respondents:	Mr.R.Ramesh for R1
	Mrs.S.Yogalakshmi, AGP
	for R6 to R10
	R2 to R5 – served & no appearance

ORDER

This civil revision petition has been filed against the fair and decretal order dated 12.11.2021 passed in I.A.No.3 of 2021 in O.S. No.107 of 2020 on the file of the District Munsif Court, Vaniyambadi (for short, the Court below) wherein the application filed by the first respondent - fifth defendant in the said suit under Order VII Rule 11 of the Civil Procedure Code (CPC) has been allowed and the plaint has been rejected in so far as the claim made against the first respondent - fifth defendant is concerned.



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2. Heard the learned counsel for the petitioner and the respective learned counsel appearing for the contesting respondents.

3. The petitioner is the plaintiff. She filed the said suit seeking for the relief of partition and for allotment of 1/5th share in the suit properties. In the said suit, the first respondent – fifth defendant filed I.A.No.3 of 2021 seeking for rejection of the plaint on the ground that the suit itself was barred by limitation, that in so far as the properties in S.Nos.146/1 & 146/8 were concerned, the competent civil court already declared his title, that such a declaration has also been obtained in respect of S.No.146/5 and that since the first respondent – fifth defendant was the absolute owner of the subject properties by virtue of the decree passed by the competent civil court, the plaint had to be rejected against the first respondent – fifth defendant in so far as S.Nos.146/1, 146/5 and 146/8 are concerned. The Court below, by the impugned order dated 12.11.2021, allowed the said application. Aggrieved by that, the petitioner is before this Court filing the above civil revision petition.



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4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned order.

5. The learned counsel appearing for the first respondent – fifth defendant raised a preliminary issue to the effect that the above revision petition is not maintainable before this court since the order passed allowing an application filed for rejection of plaint is in the nature of a decree and that only a regular appeal suit can be filed if the petitioner – plaintiff is so aggrieved.

6. Per contra, the learned counsel for the petitioner submitted that the entire suit has not been rejected by the Court below and that the plaint has been rejected only in so far as the first respondent – fifth defendant is concerned touching upon three properties and that the above revision has been filed under Article 227 of The Constitution of India questioning the jurisdiction of the Court below in partially rejecting the plaint in so far as the first respondent – fifth defendant is concerned.



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7. Section 2(2) of the CPC defines the term '**decree**'. The definition itself makes it clear that this term includes the rejection of a plaint. When a Court allows an application under Order VII Rule 11 of the CPC, the order passed therein will also fall within the definition of the term '**decree**'. As a result, only a regular appeal suit can be filed under Section 96 of the Code.

8. In the case in hand, the entire suit has not been rejected by the Court below. The Court below rejected the plaint only in so far as the first respondent – fifth defendant is concerned and it confines to three properties in S.Nos.146/1, 146/5 and 146/8.

9. The question that arises for consideration is as to whether such partial rejection of the plaint is sustainable. Since this Court is exercising jurisdiction under Article 227 of The Constitution of India, this Court can test the jurisdiction that was exercised by the Court below and see if it is within the jurisdiction of the Court below to pass such an order.



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10. This issue is no longer res integra. Useful reference can be made to the judgment of the Hon'ble Apex Court in ***Sejal Glass Ltd. Vs. Navilan Merchants Pvt. Ltd. [reported in 2018 (1) LW 447]***.

11. A reference can also be made to the judgment of the Hon'ble Apex Court in ***Madhav Prasad Aggarwal Vs. Axis Bank Ltd. [reported in 2019 (4) CTC 721]***.

12. It is now too well settled that a suit can never be rejected in part and if the Court wants to reject a plaint, it has to be rejected as a whole. This fundamental principle has not been followed by the Court below and the order passed by the Court below, on the face of it, is perverse and is liable to be interfered by this Court.

13. In the light of the above discussions, the above civil revision petition is allowed and the fair and decretal order dated 12.11.2021 passed in I.A.No.3 of 2021 in O.S.No.107 of 2020 on the file of the Court below is hereby set aside. Whatever grounds have been raised by the first respondent – fifth defendant can be



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dealt with by the Court below while deciding the main suit on its own merits and in accordance with law. It is made clear that the order passed in this civil revision petition will not have a bearing while the suit is decided by the Court below on merits. No costs. Consequently, the connected CMP is closed.

13-08-2026

To

1. The District Munsif Court,
Vaniyambadi.
2. The Tahsildar,
Office of the Tahsildar,
Natrampalli Taluk,
Thirupattur District.
3. The Sub Registrar,
Office of the Sub Registrar,
Vaniyambadi, Tirupattur District.
4. The District Collector,
Office of the District Collector,
Thirupattur District.
5. The District Registrar,
Office of the District Registrar,
Vellore-1.
6. The Tahsildar,
Office of the Tahsildar,
Vaniyambadi, Thirupattur District.

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