



WEB COPY

CRP No. 1906 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 02-04-2026**

CORAM

**THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI**

**CRP No. 1906 of 2024**

**AND**

**CMP NO. 10119 OF 2024**

1. Thambiannan  
S/o. Muniappan,  
9/5, Maniya Karanur, M. Kalipatti, Mettur  
Taluk, Salem 636 453.
2. Sakthi  
W/o. Thambiannan,  
9/5, Maniya Karanur, M. Kalipatti, Mettur  
Taluk, Salem 636 453.
3. Prabhu  
S/o. Thambiannan,  
9/5, Maniya Karanur, M. Kalipatti, Mettur  
Taluk, Salem 636 453.

..Petitioner(s)

Vs

M. Pachaiannan  
S/o. Muniappan, 9/7. Maniyakaranur, M. Kalipatti,  
Mettur Taluk, Salem 636 453.

..Respondent(s)

**PRAYER IN CRP No. 1906 of 2024**

Civil Revision Petition filed under Sec.115 of C.P.C., praying to set aside the order and decree dated 30.01.2024 in IA No.3/2023 in OS No.38 of 2023 on the file of District Munsif Court, Mettur.

For Petitioner(s): Mr. R.Rajarajan

For Respondent(s): No appearance



## **ORDER**

Challenging the impugned order passed in I.A.No.3 of 2023 in O.S.No.38 of 2023 by the learned District Munsif, Mettur, the Revision Petitioners/defendants preferred this Civil Revision Petition.

2.Despite service of notice, there is no representation on the side of respondent.

3.Before the trial court, the Revision Petitioners/defendants filed application under Order VI Rule 11 of C.P.C. to reject the plaint stating that the suit filed by the respondent/plaintiff is a clear abuse of process of law and already in the suit schedule, the 'A' schedule property was allotted to him as per the final decree passed in O.S.No. 36 of 2003 and also contended that in that final decree proceedings, 'B' schedule was allotted to one Sellammal and 'C' schedule was allotted to the 1<sup>st</sup> revision petitioner/defendant. The said Sellammal had sold the property to the 2<sup>nd</sup> revision petitioner/defendant through a registered sale deed dated 24.03.2005. Therefore, in respect of 'B' and 'C' schedule properties, the same were sold in the earlier proceedings in O.S.No. 36 of 2003, since they are absolute owners of the property, in which the respondent/plaintiff has no right and title over the properties. However, he came forward with the false suit for the relief of permanent injunction. Hence, they prayed to reject the plaint as if it is a clear abuse of process of law. But, the trial judge has dismissed the said application holding that in respect of title and possession



claimed by the revision petitioners/defendants can be decided only at the time of trial and without any evidence, it cannot be decided at this stage. Further, the trial judge had also observed that the respondent/plaintiff is claiming right over the property based on the adverse possession and the same can be decided only after full-fledged trial. Aggrieved over that, the revision petitioners/defendants preferred this Civil Revision Petition.

4. The arguments advanced on the side of revision petitioners/defendants is that the suit in O.S.No.36 of 2003 was filed for the relief of partition, in which Sellammal was allotted 'B' schedule property and 1<sup>st</sup> revision petitioner/defendant was allotted 'C' schedule property. In that partition suit, the respondent/plaintiff was allotted 'A' schedule property. The certified copy of final decree dated 07.01.2005 passed in O.S.No.36 of 2003 was produced before the trial court. So, as on date, the final decree was passed in respect of suit property and 'B' and 'C' schedule properties were allotted to 1<sup>st</sup> revision petitioner/defendant and Sellammal respectively. Admittedly, Sellammal sold her property to the 2<sup>nd</sup> revision petitioner/defendant. As on date, the 1<sup>st</sup> and 2<sup>nd</sup> revision petitioners/defendants are original owners of the suit properties. Now, the respondent/plaintiff claimed that he is the owner of suit property based on the adverse possession. It is an admitted fact that as per the final decree proceedings, 'A' schedule property was allotted to the respondent/plaintiff, except that, he has not produced any document before the trial court to show his right and title over the suit property. As per the final decree proceedings



initiated in O.S.No.36 of 2003, the suit property was allotted to 1<sup>st</sup> revision petitioner/defendant and one Sellammal and after the purchase, now the respondents 1 and 2 are the absolute owners, which itself shows that the suit filed by the respondent/plaintiff as such is clear abuse of process of law. Hence, they came forward with the said application, but the trial judge erroneously dismissed the said application. Considering that, this Court is inclined to set aside the findings rendered in I.A.No.3 of 2023 in O.S.No.38 of 2023 by the District Munsif, Mettur. Accordingly, this Civil Revision Petition is allowed. The respondent/plaintiff is not entitled to the suit property. No costs. Consequently, connected civil miscellaneous petition is closed.

**02-04-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No

RPP

To

The District Munsif Court, Mettur.



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**T.V.THAMILSELVI J.**

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