



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2026

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 3580 of 2026 AND CMP NO. 15586 OF 2026

1. Vijay
2. Sugumaran
3. Manimegalai

Petitioner(s)

Vs

Mallappillai

Respondent(s)

PRAYER

To set aside the impugned Order dated 25.11.2025 made in IA.3 of 2024 in OS.751 of 2004 pending on the file of the Principal District Munsif at Perambalur.

For Petitioner(s): Mr.S.Mohan

ORDER

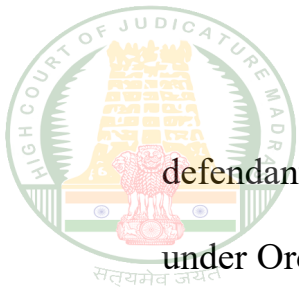
This Civil Revision Petition has been filed, challenging the impugned order dated 25.11.2025 passed by the Principal District Munsif, Perambalur in I.A. No.3 of 2024 in O.S. No.751 of 2004.



2. Under the aforesaid order, the application filed by the petitioners, who are defendants 3 to 5 in the suit O.S. No.751 of 2004 under Order VII Rule 11 of C.P.C. seeking for rejection of plaint, has been dismissed. The application was filed by the petitioners on the ground that there is no cause of action against them in the suit O.S. No.751 of 2004.

3. The claim of the respondent/plaintiff before the Trial Court is that petitioners/defendants 3 to 5 are encroachers of the suit schedule property. The petitioners contend that the Advocate Commissioner appointed in the suit has filed a report, which confirms that petitioners/defendants 3 to 5 are not encroachers. According to the petitioners, there is no cause of action against petitioners/defendants 3 to 5 for filing the suit.

4. As seen from the plaint averments made in O.S. No.751 of 2004, a categorical stand has been taken by the respondent/plaintiff that petitioners/defendants 3 to 5 are encroachers. While deciding an application filed under Order VII Rule 11 of C.P.C., the averments in the plaint alone will have to be taken into consideration. The Trial Court under the impugned order has rightly observed in paragraph 4 that the averments made in the plaint and the documents filed along with the plaint, which form part thereof alone will be taken into consideration while deciding an application filed under Order VII Rule 11 of C.P.C. When there is a specific averment in the plaint that the



defendants are encroachers, the question of entertaining the application filed under Order VII Rule 11 of C.P.C. on the ground that there is no cause of action does not arise.

5. When this Court expressed its view to the learned counsel for the petitioners that this Court is not inclined to interfere with the impugned order, the learned counsel for the petitioners sought for an early disposal of the suit.

6. For the foregoing reasons, this Court is not inclined to interfere with the impugned order. This Court, after giving due consideration to the fact that the suit is of the year 2004, directs the Principal District Munsif, Perambalur to dispose of O.S. No. 751 of 2004 within a period of six months from the date of receipt of a copy of this order.

7. With the above direction, this Civil Revision Petition is disposed of. Consequently, connected CMP is closed. No costs.

8. Since no adverse orders are passed against the respondent, notice to the respondent is dispensed with.

03-07-2026

vga

To

1. The Principal District Munsif, Perambalur.

2. The Section Officer, VR Section, High Court, Madras.



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CRP No. 3580 of 2026



ABDUL QUDDHOSE J.

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