



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 4122 of 2026

and

CMP No. 18039 of 2026

1. Pandiyan

2. Perumal

Petitioner(s)

Vs

1. Chennammal

D/o. Late. Chinnapaiyan @ Perumal,
Jilpa Goundanur Village, Patchur Post,
Natrampatti Taluk, Tirupaattur District.
Earlier Vellore District.

2. Kamala

D/o. Late. Chinnapaiyan @ Perumal,
Jilpa Goundanur Village, Patchur Post,
Natrampatti Taluk, Tirupaattur District.
Earlier Vellore District.

3. Chennaiyan

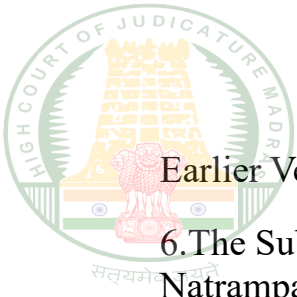
S/o. S/o. Late. Chinnapaiyan @
Perumal, Jilpa Goundanur Village,
Patchur Post, Natrampatti Taluk,
Tirupaattur District. Earlier Vellore
District.

4. Krishnan

S/o. Late. Chinnapaiyan @ Perumal,
Jilpa Goundanur Village, Patchur Post,
Natrampatti Taluk, Tirupaattur District.
Earlier Vellore District.

5. The Tahsildar

Natrampalli, Tirupaattur District.



Earlier Vellore District.

6.The Sub Registrar
Natrampalli, Tirupaattur District.
Earlier Vellore District.

7.The Village Administrative Officer
Kothur Village, Natrampalli,
Tirupaattur District. Earlier Vellore
District.

8.Gemini
S/o. Muthu, Mallapalli Village,
Natrampalli, Tirupaattur District.
Earlier Vellore District.

9.The Sub Collector
Tirupattur District.

10.Venkateshwari
W/o. Gemini, Door No.158, Hindu,
Puradikhan Circle, Mallapalli Village
and Post, Natrampalli Taluk, Tirupattur
District.

Respondent(s)

PRAYER

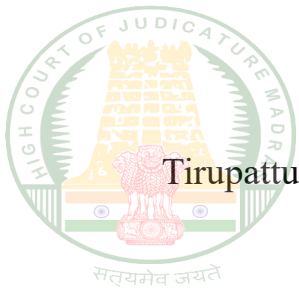
Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Principal District Munsif Court, Tirupattur, to set aside the order dated 06.02.2026 passed in IA No.4 of 2025 in OS No.113 of 2018 and reject the plaint at the threshold, and allow this Civil Revision Petition.

For Petitioner(s): Mr. C.Samuel

For Respondent(s): Mr.Balakrishnan Govt.Advocate
For R5 to R7 and R9

ORDER

This Civil Revision Petition has been filed, challenging the impugned order dated 06.02.2026 passed by the Principal District Munsif Court,



Tirupattur, in I.A. No. 4 of 2025 in O.S. No. 113 of 2018.

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2. In the aforesaid order, the application filed by the petitioners, who are the first and second defendants in the suit O.S. No.113 of 2018, seeking for rejection of plaint under Order VII Rule 11(a) read with Sections 9 and 151 of C.P.C., has been dismissed.

3. The petitioners contended before the trial Court that the partition has already been effected between the parties in O.S. No. 16 of 1999 and therefore the suit in O.S. No. 113 of 2018, which is the subject matter of this Civil Revision Petition, is hit by the doctrine of *res judicata*.

4. The trial Court by following the decision rendered by the Honourable Supreme Court in the case of ***Kamala vs. K.T. Eshwara Sa*** reported in **2008 (12) SCC 661** has held that *res judicata* is a mixed question of law and fact and cannot ordinarily be adjudicated under Order VII Rule 11 of C.P.C.

5. The trial Court, while dismissing the application filed by the petitioners/first and second defendants, has also observed in the impugned order that plea of *res judicata* is a mixed question of law and facts, which requires consideration of pleadings, evidence, issues and findings in the



earlier suit and such a question cannot be decided in an application filed under Order VII Rule 11 C.P.C. and can be decided only after trial.

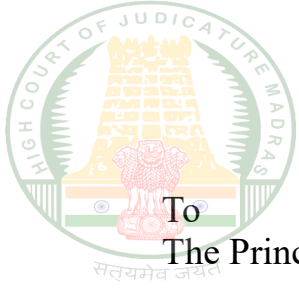
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6. This Court does not find any infirmity in the impugned order. Therefore, there is no merit in this Civil Revision Petition. Accordingly, this Civil Revision Petition is dismissed.

7. Since the suit is of the year 2018, this Court directs the Principal District Munsif Court, Tirupattur to dispose of the suit in O.S. No. 113 of 2018 within a period of one year from the date of receipt of a copy of this order. No Costs. Consequently, connected miscellaneous petition is closed.

23-07-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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To
The Principal District Munsif Court, Tirupattur.

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ABDUL QUDDHOSE J.

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