



C.R.P. No. 3248 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2026

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.R.P. No. 3248 of 2025

&

C.M.P. No. 17983 of 2025

P. Shanmugam

..Petitioner

Vs.

Roopavathi

..Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 01.07.2025 passed in I.A. No.3 of 2025 in O.S.No. 6024 of 2024 by the XXII Assistant Judge, City Civil Court, Chennai and reject the plaint in O.S. No. 6024 of 2024.

For Petitioner :: Mr.S.L.Sudarsanam

For Respondent :: Mr.S.Kingston Jerold

O R D E R

This civil revision petition has been filed challenging the impugned order dated 01.07.2025 passed by the XXII Assistant Judge, City Civil Court, Chennai, in I.A. No. 3 of 2025 in O.S. No. 6024 of 2024.



C.R.P. No. 3248 of 2025

2. By the aforesaid order, the application under Order VII

Rule 11 CPC filed by the petitioner, who is the defendant in the suit, seeking for rejection of plaint in O.S. No. 6024 of 2024 has been dismissed.

3. The petitioner is having the benefit of interim stay of all further proceedings in the suit in O.S. No. 6024 of 2024 from the year 2025 onwards. The petitioner has contended before this Court that the suit in O.S. No. 6024 of 2024 filed by the respondent/plaintiff is not maintainable since the petitioner/defendant, in an earlier proceedings, filed by him against the respondent/plaintiff, in respect of the very same property, is having the benefit of permanent injunction in his favour against the respondent/plaintiff by judgment and decree dated 10.01.2024 in O.S. No. 2928 of 2020 on the file of XVII Assistant Judge, XVIII Assistant Court (FAC), City Civil Court, Chennai.

4. However, the contention of the respondent before this Court, as seen from the submissions made by the learned counsel for the respondent, is that the suit filed by the respondent/plaintiff in O.S. No. 6024 of 2024 is for declaration of title of the suit schedule property. Being a comprehensive civil suit, learned counsel for the respondent/plaintiff would



C.R.P. No. 3248 of 2025

submit that, the suit in O.S. No. 6024 of 2024 is maintainable. He would also submit that since adequate plaint averments have been made in the plaint in O.S. No. 6024 of 2024 for seeking the reliefs prayed for in the suit, the question of rejection of plaint under Order VII Rule 11 CPC does not arise.

5. Admittedly, the application filed by the petitioner/defendant has been dismissed by the Trial Court by the impugned order. In view of interim stay obtained by the petitioner in this civil revision petition, the disposal of the suit in O.S. No. 6024 of 2024 has been stalled. In the interest of justice, this Court, without going into the merits of the impugned order, deems it fit to dispose of the civil revision petition by issuing a direction to the Trial Court to dispose of the suit within a time frame to be fixed by this Court.

6. The petitioner is a senior citizen and due to the pendency of this civil revision petition from the year 2025 onwards, the suit in O.S. NO. 6024 of 2024 filed by the respondent/plaintiff is still kept pending on the file of the Trial Court. No useful purpose will be served if the said suit is allowed to be kept pending when the very same grounds that



C.R.P. No. 3248 of 2025

ABDUL QUDDHOSE,J.

WEB COPY

nv

have been raised in this civil revision petition can very well be raised before the Trial Court either through cross-examination of respondent's/plaintiff's side witness or at the time of final arguments in the suit.

7. Therefore, without expressing any opinion on the merits of the impugned order, this civil revision petition is disposed of by granting liberty to the petitioner/defendant to raise all objections with regard to the maintainability of the suit, at the time of cross-examination of respondent's/plaintiff's side witness and also at the time of final arguments in the main suit. The petitioner/defendant is also directed to file the written statement in the suit within a period of two weeks from the date of receipt of a copy of this order. The Trial Court is directed to dispose of the suit in O.S. No. 6024 of 2024 within a period of one year thereafter. No costs. Connected C.M.P. is closed.

21.07.2026

nv
To
The XXII Assistant Judge, City Civil Court,
Chennai.

C.R.P. No. 3248 of 2025

4\4