



WEB COPY

CRP No. 2321 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 2321 of 2026

AND

CMP NO. 10020 OF 2026

Pathi Muthu

... Petitioner

Vs

1. U.Shamina Umar
2. Madurai Veeran Centre,
No.22, Vanagaram Service Road,
Adayalampattu Village, Chennai – 600 095.
3. M/s.Carmel Racing (Bike Tuning),
No. 22, Vanagaram Service Road,
Adayalampattu Village, Chennai– 600 095.
4. M/s.Lorven Mental Product Pvt Ltd.,
No.22/3, Vanagaram Service Road,
Adayalampattu Village, Chennai – 600 095.

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the order dated 01.09.2025 in I.A.No.5 of 2021 in O.S.No.134 of 2020 passed by III Additional District and Sessions Judge, Tiruvallur at Poonamallee.

For Petitioner:

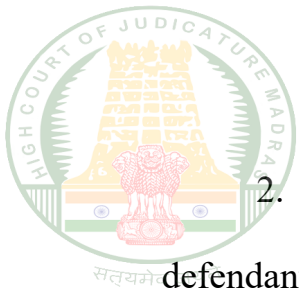
Mr.B.Vasanthan

For Respondents:

Mr.N.Sivaprakash

ORDER

This Civil Revision Petition has been filed challenging the impugned order dated 01.09.2025 passed by the III Additional District and Sessions Court, Tiruvallur at Poonamallee in I.A.No.5 of 2021 in O.S.No.134 of 2020.

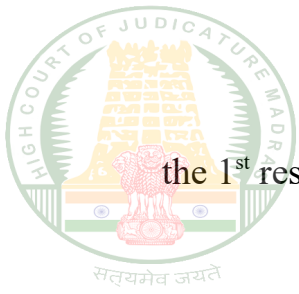


2. In the aforesaid order, the application filed by the petitioner/1st defendant under Order VII Rule 11 CPC to reject the plaint has been dismissed.

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The petitioner contends that on account of suppression of material facts, namely the suit schedule property already having been acquired by the National Highways, the suit filed by the 1st respondent/plaintiff seeking declaration of title is an abuse of process of law and therefore, the plaint has to be rejected. The very same contention was raised by the petitioner before the trial court. However, the trial court rejected the said contention by holding that the trial court will have to only look into the plaint averments for deciding an application filed under Order VII Rule CPC. The trial court has held that when the plaint averments do not disclose that the property is the subject matter of land acquisition, the question of entertaining the application under Order VII Rule 11 CPC does not arise. The trial court has also protected the petitioner's interest by observing in the impugned order that the land acquisition notification relied upon by the petitioner may be relevant evidence in the course of trial or at a subsequent stage of adjudication, but however, it cannot be imported into the main suit at the stage of deciding the issue whether the plaint is liable to be rejected, unless the plaint itself makes reference to or annexes the said notification.

3. The 1st respondent has also disputed the contentions of the petitioner made in the affidavit filed in support of I.A.No.5 of 2021 in the counter filed by



the 1st respondent before the trial court.

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4. As rightly observed by the trial court in the impugned order, the court, while deciding the application under Order VII Rule 11 CPC, will have to only look into the plaint averments. When the plaint averments also do not disclose that the property has already been acquired by the National Highways, the trial court has rightly rejected the application filed by the petitioner under Order VII Rule 11 CPC as the contentions raised by the petitioner in I.A.No.5 of 2021 is a matter for trial and can be decided only in the main suit. This Court does not find any infirmity in the reasons given by the trial court for dismissing the petitioner's application seeking rejection of plaint.

5. Accordingly, this Civil Revision Petition is dismissed. However, it is made clear that while disposing of the suit in O.S.No.134 of 2020, the III Additional District and Sessions Court, Tiruvallur at Poonamallee shall dispose of the said suit uninfluenced by any of the observations made by the trial court in the impugned order as well as by this Court in this order. No costs. Consequently, the connected miscellaneous petition is closed.

16-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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CRP No. 2321 of 2



ABDUL QUDDHOSE J.

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To

The III Additional District and Sessions Court,
Tiruvallur at Poonamallee.

**CRP No. 2321 of 2026
AND
CMP NO. 10020 OF 2026**

16-07-2026