

C.R.P(MD)No.1923 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2026

CORAM

THE HON'BLE MR. JUSTICE S.SOUNTHAR

C.R.P.(MD)No.1923 of 2026

and

C.M.P(MD)No.9227 of 2026

1.Sarguru
2.Pavunthai

.. Petitioners

Vs.

1.S.Velmurugan
2.S.Ganesan
3.Muniyandi
4.Perunthurai Ayyanar

.. Respondents

PRAYER: Civil Revision Petition filed under section 115 of Civil Procedure Code to call for the records in pertaining to the fair Order and Decretal Order in I.A.No.5 of 2025 in O.S.No.230/2023 dated 01.06.2026 on the file of Additional District Court (FTC), Theni and set aside the same and reject the plaint in O.S.No.230 of 2023.

For Petitioners : Mr.A.Anandan



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ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court dismissing the application filed by the petitioners/defendants 1 and 2 seeking rejection of the plaint.

2.The respondents 1 and 2/plaintiffs filed the suit seeking a declaration of their title to the suit properties and for permanent injunction. They also sought a declaration that the Will dated 30.03.2021 executed by the defendants 1 and 2 in favour of the defendants 3 and 4 is null and void.

3.The petitioners/defendants 1 and 2 filed the instant application seeking rejection of the plaint on the ground that, during the lifetime of the defendants 1 and 2, the Will executed by them has not come into force and, therefore, the relief sought by the plaintiffs declaring the Will as null and void is prematured and not maintainable.

4.The trial Court dismissed the petition seeking rejection of the plaint. Aggrieved by the said order, the petitioners have filed the present Civil Revision Petition.

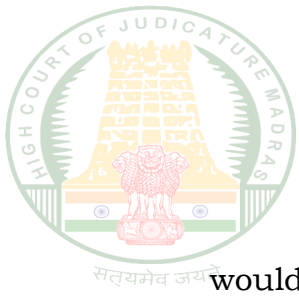


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5.The learned counsel appearing for the petitioners would submit that the Will executed by the petitioners in favour of the defendants 3 and 4 will come into force only after the death of the petitioners. Therefore, the prayer seeking a declaration that the Will is invalid, is prematured and, consequently, the plaint is liable to be rejected.

6. It is well settled that merely because one or more of the prayers sought for in the plaint are not maintainable, the entire plaint cannot be rejected, if the other reliefs found to be sustainable.

7. In the case on hand, it is the specific case of the respondents 1 and 2/plaintiffs that the suit properties were purchased in the names of the petitioners/defendants 1 and 2 out of the funds provided by the plaintiffs. If the plaintiffs are able to establish the said plea, they can very well succeed in the first prayer seeking declaration of their title and consequential permanent injunction. Even though the Will executed by the defendants 1 and 2 has not come into force, as they are still alive, if the plaintiffs succeed in establishing their title over the suit properties, the Will executed by the defendants 1 and 2 would automatically become ineffective, as the defendants 1 and 2



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would have no right to execute a Will in respect of properties belonging to the plaintiffs.

8. Therefore, the sustainability of the second and third prayers in the plaint depends upon the outcome of the first prayer seeking declaration of title. In view of the specific averments in the plaint that the suit properties were purchased in the names of the defendants 1 and 2 out of the funds provided by the plaintiffs, the first prayer is prima facie maintainable. In such circumstances, the entire plaint cannot be rejected on the grounds raised by the petitioners in the application filed seeking rejection of the plaint. The trial Court has, therefore, rightly dismissed the application seeking rejection of the plaint. I do not find any legal infirmity or jurisdictional error in the impugned order warranting interference.

9. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

22.07.2026

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
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To

- 1.The Additional District Court (FTC), Theni.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

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