



A.No.5934 of 2023
in
CS.No.649 of 2003

A.A.NAKKIRAN, J.

This application has been filed to reject the plaint in the above suit since it is barred by the principle of "*Res Judicata*".

2. Heard the learned counsel for the applicant and the learned counsel for the defendants 1, 15, 16, 18 and 19.

3. The learned counsel for the applicant has submitted that the plea raised by the respondents 1 to 5 /plaintiffs in this suit is barred by the principle of *res judicata* . Hence it is liable to be rejected.

4. Learned counsel for the respondents has submitted that the reason assigned by the applicant does not comes under any clause in Order 7 Rule 11.

5. In this case, the plea of *res judicata* has not been raised in their written statement. Issues have been framed and now the case is in the stage of examination of witnesses. The plea of *res judicata* is a mixed question of law and fact which requires examination of other evidence and hence, it cannot be a ground for rejection of plaint under Order 7 Rule 11. Hence the application is liable to be dismissed.



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A.A.NAKKIRAN, J.

gv

6. In the result, this application is dismissed.

7.The Registry is directed to send the bundles to the learned Additional Master for recording evidence on 21.03.2024.

Gv

14.03.2024