



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 24.07.2025

Order pronounced on : 08.08.2025

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THE HON'BLE MR. JUSTICE P.B.BALAJI

CRP.No.933 of 2025
& CMP.No.5384 of 2025

1.Ranganathan
2.Govindasamy
3.Vasantha
4.Harish

..Petitioners

Vs.

Jayaraman (Deceased)

1.Krishnaveni
2.Lokesh
3.Ramajayam

..Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 30.07.2024 passed in I.A.No.330 of 2024 in O.S.No.164 of 2019 on the file of the District Munsif Court, Dharmapuri.

For Petitioners : Mr.C.Umashankar

For Respondents : Mr.C.Prabakaran

**ORDER**

The revision has been filed challenging the order in I.A.No.330 of 2024

which was filed seeking rejection of the plaint in O.S.No.164 of 2019 on the file of the District Munsif Court, Dharmapuri,

2.I have heard Mr.C.Umashankar, learned counsel for the petitioners and Mr.C.Prabakaran, learned counsel for the respondents.

3.The learned counsel for the petitioners would state that the defendants have taken out an application to reject the plaint on the ground that it is a clear abuse of process. He would invite my attention to the earlier suit in O.S.No.232 of 2007, where final decree came to be passed and the parties were also put in possession of their respective allotted properties. The said proceedings went up to the Hon'ble Supreme Court and suppressing the entire earlier litigation, the suit has been filed for permanent injunction as if the plaintiff is in possession. Therefore, it is contended by the counsel for the petitioners that the suit is a sheer abuse of process of law and the Trial Court has erroneously dismissed the application for rejecting the plaint, without finding that such gross abuse has to be nipped in the bud. He would further state that along with the written statement, the proceedings in the earlier round of litigation have been filed as documents and the Trial Court ought to have taken cognizance of the same,



without summarily dismissing the application for rejecting the plaint, stating that the parties have to necessarily go for a full fledged trial and that the plaint cannot be rejected as it stands. He would therefore pray for the revision being allowed.

4.Per contra, the learned counsel for the respondents would submit that the suit is for a permanent injunction and the cause of action is entirely different and has nothing to do with the earlier suit. He would further state that P.W.1 is already in the box and the application itself has been taken out belatedly. He would further state that the issue is whether the property which is subject matter of the final decree proceedings and the present property is one and the same, will have to be tested only during evidence and therefore, the Trial Court has rightly dismissed the application and the same does not require interference. He would therefore pray for dismissal of the revision.

5.I have carefully considered the submissions advanced by the learned counsel on either side. I have also gone through the order of the Trial Court, dismissing the application for rejecting the plaint.

6.Admittedly, the suit is one for permanent injunction. The plaintiffs



claim to be in possession of the suit property and seek to restrain the defendants from interfering with their peaceful possession and enjoyment. Even according to the learned counsel for the petitioners, the plaint does not even whisper about the earlier proceedings. No doubt, the revision petitioners have filed a detailed written statement and also documents pertaining to the earlier round of litigation.

7.It is the contention of the learned counsel for the petitioners that the Trial Court ought to have taken note of the documents to come a conclusion that the plaint is an abuse of process and clearly barred by law. However, I am unable to countenance the said submission of the learned counsel for the petitioners. In an application under Order VII Rule 11 of CPC, the Court can go only by the plaint averments and allegations and the suit documents that have been relied by the plaintiffs along with the plaint. Even the application filed for seeking rejection of the plaint and the affidavit filed in support of the application seeking rejection of the plaint cannot be looked into by the Court, while adjudicating or deciding an application for rejection of the plaint. Therefore, there is no gain in contending that the defendants have filed a detailed written statement and that necessary documents with regard to the earlier round of litigation have also been annexed with the written statement.



8. Even according to the learned counsel for the petitioners, the plaint does not disclose the factum of the earlier litigation and that being the case, from a reading of the plaint, there is no occasion for the Court to reject the plaint invoking Order VII Rule 11 of CPC. If at all the plaint, according to the revision petitioners, is an abuse of process, their remedy is entirely different and not by way of application under Order VII Rule 11 of CPC, seeking rejection of the plaint. The Trial Court has rightly held that the issues will have to be tested only during the examination of the parties and subject to oral and documentary evidence adduced in the suit during trial and for invoking Order VII Rule 11 of CPC, no case was made out for rejection of the plaint. I do not find any illegality or perversity in the findings of the Trial Court. In fact, the Trial Court has rightly found that the suit being one for permanent injunction, the Court has to see whether the plaintiffs are in possession of the suit property and whether the claim of the defendants regarding the subject matter is covered by earlier round of litigation and therefore, the plaint cannot be rejected.

9. The learned counsel for the petitioners has placed reliance on the decision of the Hon'ble Supreme Court in *T.Arivanandam Vs. T.V.Satyapal and Another*, reported in (1977) 4 SCC 467, where the Hon'ble Supreme Court, finding that the litigation was fraudulent as well as frivolous and the party had persistently resorted to evade the proper process of Court, held that the



application seeking special leave to appeal against the order of the High Court on an interlocutory application for injunction was an audacious application and

the long arm of the law must throttle such litigative caricatures, if the confidence and credibility of the community in the judiciary is to survive. Even in the said decision, the Hon'ble Supreme Court only directed the Trial Court to dispose of the suit forthwith, after giving an immediate hearing to the parties concerned. Therefore, I do not see how this decision would come to the aid of the revision petitioners.

10. The next decision that has been relied on by the learned counsel for the petitioners is the decision of the Hon'ble Supreme Court in *Sree Surya Developers and Promoters Vs. N.Sailesh Prasad and Others*, reported in (2022) 5 SCC 736, which was a case where the rejection of the plaint was sought for on the ground of the plaint being barred by law and by clever drafting, the plaintiff had attempted to create an illusory cause of action and in such circumstances, the Hon'ble Supreme Court held that the Court should nip it in the bud and ensure that bogus litigation will end at the earlier stages. This decision also, in my considered opinion, does not help the revision petitioners. In view of the foregoing discussions in paragraph Nos.6 and 7 and settled legal position that an application for rejection of the plaint can only be decided based on the plaint averments and allegations and the documents filed



in support of the plaint, I do not see these decisions applying to the facts of the present case.

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11. Even insofar as delay, I am unable to countenance the submissions of the learned counsel for the respondents that after commencement of trial, the application for rejection of plaint is not maintainable. It is now settled law that at any stage suit, an application can be taken out seeking rejection of the plaint. However, on the merits, as I have already discussed and found, the Trial Court has not committed any error or illegality in dismissing the application for rejection of the plaint, I do not see any reasons or grounds made out requiring interference under Article 227 of Constitution of India.

12. In fine, the Civil Revision Petition is dismissed. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

08.08.2025

Speaking/Non-speaking order
Index : Yes/No
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To

The District Munsif Court, Dharmapuri.

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P.B.BALAJI.J.

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Pre-delivery order made in
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