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CRP NO. 1798 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP NO. 1798 of 2025

NANDHINI

W/o.V.Anandhamoorthy, Door No.20/48, Lazarus Church Road,
Mandhavelipakkam, Raja Annamalaipuram, Chennai - 600 028.

Petitioner(s)

Vs

PERUMALSAMY

S/o.Late Rasappagounder, D.No.30/1, Teachers Colony,
Gandhipuram North Nambiyur Post and Tk., Erode Dist. and 3
Others

Respondent(s)

For Petitioner(s): Mr.S.Ragunathan for Mr.C.Prabakaran

For Respondents: No appearance for R1,R3 & R4
: Mr.V.Ramesh, GA for R2

ORDER

The matter is listed today under the caption "for being mentioned".

2.Upon perusal of the Judgment dated 08.08.2025, it is noticed that in paragraph No.

4, the period of '40 years' has been inadvertently typed as '10 years'. Accordingly, the

Registry is directed to correct the said period as '40 years' in place of '10 years' in the

Judgment dated 08.08.2025, and issue a fresh copy of the order to the learned counsel



for the parties.

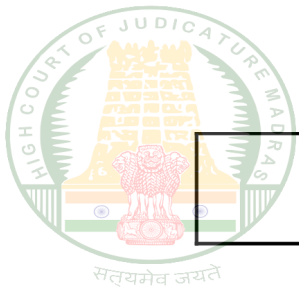


3. Except for the aforesaid correction, the order dated 08.08.2025 shall remain

unaltered in all other respects.

13-08-2025

jrs



Reserved on:17.07.2025

Pronounced

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

**CRP. PD. No.1798 of 2025
and CMP. No.10379 of 2025**

Nandhini

Petitioner

Vs

1.Perumalsamy
2.State of Tamil Nadu,
Rep. by its Sub-Registrar,
Sub Registrar Office,
Kunnathur, Tiruppur District.
3.Balamani

Respondents

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 07.02.2025 made in I.A. No.1 of 2021 in O.S. No.108 of 2019 on the file of the learned District Munsif Court, Gobichettipalayam.

For Petitioner : Mr.S.R.Ragunathan

for Mr.C.Prabakaran

For Respondents : No appearance for R1, R3 & R4

Mr.V.Ramesh,

Government Advocate for R2

ORDER

These revision as against the order in Interlocutory Application in I.A. No.1 of 2021 in



second defendant in the said suit is the revision petitioner.

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2. I have heard Mr.S.R.Ragunathan, learned counsel for Mr.C.Prabakaran, learned counsel for the petitioner and Mr.V.Ramesh, learned Government Advocate for the second respondent. There is no appearance on the side of the respondents 1, 3 and 4.

3. The Interlocutory Application in I.A. No.01 of 2021 was taken out for rejection of the plaint under Order VII Rule 1 of the Code of Civil Procedure, 1908, contending that the plaint does not disclose a cause of action and also for being barred by principles of *res judicata* and adverse possession which was already adjudicated and had attained finality.

4. The learned counsel Mr.S.R.Ragunathan, appearing for the petitioner would submit that the issues that are raised in the present suit were already adjudicated upon and the same attained finality in First Appeal in A.S. No.29 of 1980 as against the dismissal of a suit in O.S. No.246 of 1976. The said suit in O.S. No.246 of 1976 was instituted by



the petitioner's vendor against the plaintiff's father. The Trial Court dismissed

however, in First Appeal viz., A.S. No.29 of 1980, the First Appellate Court found that

the plaintiff has perfected title by adverse possession in respect of R.S. No.784/1.

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Admittedly, there has been no appeal as against the reversing findings of the First Appellate Court in A.S. No.29 of 1980. After more than 10 years, the present suit has been filed to declare the revision petitioner's sale deed dated 28.11.2018 as null and void.

5. The learned counsel Mr.S.R.Ragunathan would state that the said relief was not available to the plaintiff in view of the fact that the petitioner's vendor's sale deed has been accepted and settled rights cannot be unsettled by filing a fresh suit, without any cause of action.

6. The Trial Court has proceeded to dismiss the said Application seeking rejection of plaint stating that the contentions raised in the Application for reject the plaint would be decided only after the parties lead oral and documentary evidence. Unfortunately, the Trial Court has not even tested the effect of the binding nature of the decree in A.S. No.29 of 1980 on the plaintiff viz., the first respondent in this revision. Once the title of



the petitioner's vendor has been upheld, there can be no cause of action for the

who claims only under his father, who was admittedly a party to the earlier

proceedings, to get a cause of action to challenge the sale deed dated 28.11.2018 in

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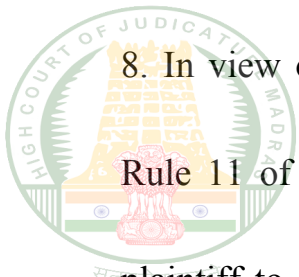
favour of the revision petitioner. The Trial Court has merely proceeded to dismiss the

Application, without assigning any valid or sustainable reasons for dismissing the said

Application.

7. As rightly contended by the learned counsel Mr.S.R.Ragunathan, on going through the order of the Trial Court, I find that the Trial Court has acted in a mechanical manner without any application of judicial mind. Even in the plaint, I find that there is a disclosure about the earlier proceedings including the Judgment in A.S. No.29 of 1980.

Therefore, the Trial Court need not have even traversed beyond the plaint to plaint and suit documents to find out that if there was any cause of action available to the plaintiff to file the suit, especially after having admitted the title of the revision petitioner's vendor.



8. In view of the above, the plaint was clearly liable to be rejected under Or

Rule 11 of CPC on the ground that there is no cause of action available to the

plaintiff to seek the relief that has been sought for. Further, even the Application for

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rejection of plaint was not contested by the plaintiff before the Trial Court and even

here, the plaintiff has not even chosen to enter appearance and this also goes to show

that the plaintiff is probably aware that he has no case.

9. For all the above reasons, I am inclined to set aside the order of the Trial Court and

accordingly, the Civil Revision Petition is **allowed** and the plaint in O.S. No.108 of

2019 stands rejected. No costs. Connected Miscellaneous Petition is also closed.

08.08.2025

rkp

Index : Yes / No

Internet : Yes / No

To:

The District Munsif,

Gobichettipalayam.



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P.B.BALAJI, J.,

rkp

Pre-delivery order in
CRP. PD. No.1798 of 2025
and CMP. No.10379 of 2025

08.08.2025